

IN THE
United States Court of Appeals
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RANDY BANKS,

Defendant - Appellant,

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND AT BALTIMORE

JOINT APPENDIX - VOLUME XIII OF XXII
(Pages 6130 - 6636)

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TABLE OF CONTENTS

VOLUME XIII OF XXII

JA Page

Government's Trial Exhibits (GEX):

GEX CELL2a:	Excerpts from Alcatel cell phone with phone number (240)713-0332, recovered from Shakeen Davis on 2016-04-26.....	6130
GEX CELL3a:	Excerpts from LG cell phone recovered from Shakeen Davis on 2017-02-24.....	6148
GEX CR2:	District Court of Maryland (Baltimore City) Charges and Disposition for Shakeen Davis Retrieved April 9, 2019	6164
GEX IC84:	Photo of T-Roy, Creams, Mal, Charlie	6169
GEX IC85:	Photo of Creams, Menace	6170
GEX IND19:	Photo of Shakeen Davis	6171
GEX J-17T:	2015-07-01 at 1820 Transcript of Ex..J-17 - Sydni Frazier to 4437140982 (Shakeen Davis).....	6172
GEX J-30T:	2015-08-28 at 1849 Transcript of Ex. J-30 Jail Call - Overt Act 71 - William Jones to 4107629166 (Melvin Lashley).....	6175
GEX SM6:	Instagram Excerpts - 5almighty_gang2 (Dante Bailey)	6176
GEX SM10:	Instagram - creams_dinero - Excerpts_Redacted	6286
GEX SM13:	Instagram - fh_dinero - Excerpts_Redacted	6323
GEX SM13a:	Instagram - fh_dinero (Shakeen Davis) - Home Page	6337
GEX SM13b:	Instagram Excerpts - fh_dinero (Shakeen Davis) - Mobb Meeting with a Mobb Boss	6338

GEX YT14T: Transcript of Ex. YT14 - 2015.08.10 PATisDOPE One on One Interview with Gutta Almighty	6339
GEX DL18: Excerpts of the Exhibit - Drug lab report, search warrant at Dante Bailey’s residence May 17, 2016.....	6344
<u>Defendant’s Trial Exhibit (DEX):</u>	
DEX 15: Trial Stipulation (Corloyd Anderson)	6353
Verdict (Randy Banks) Filed May 2, 2019 [ECF1170].....	6354
Verdict (Jamal Lockley) Filed May 2, 2019 [ECF1172].....	6357
Verdict (Corloyd Anderson) Filed May 2, 2019 [ECF1174].....	6361
Verdict (Shakeen Davis) Filed May 2, 2019 [ECF1176].....	6365
Verdict (Dante Bailey) Filed May 2, 2019 [ECF1180].....	6369
Transcript of Sentencing Proceedings (Randy Banks) Before the Honorable Catherine C. Blake On August 26, 2019	6373
Notice of Appeal (Randy Banks) Filed August 28, 2019 [ECF1274].....	6457
Judgment in a Criminal Case (Randy Banks) Entered August 28, 2019 [ECF1275]	6459
Transcript of Sentencing (Shakeen Davis) Before the Honorable Catherine C. Blake On October 11, 2019.....	6465

Judgment in a Criminal Case (Shakeen Davis) Entered October 16, 2019 [ECF1307]	6548
Notice of Appeal (Shakeen Davis) Filed October 17, 2019 [ECF1310]	6555
Defendant Bailey’s Supplement to Response to Motion to Enforce Plea Agreement with Exhibits Filed October 23, 2019 [ECF1313]	6557
Ex. A: Affidavit in Support of Motion to Enforce Plea Agreement (by counsel) [ECF1313-1]	6559
Ex. B: Affidavit in Support of Motion to Enforce Plea Agreement (by counsel) [ECF1313-2].....	6601

Item BCP 31
Selected Excerpts from Alcatel One Touch Cell Phone with Phone No. (240) 713-0332,
Recovered from Shakeen Davis on April 26, 2016

Selected Contacts:

Name	Category	Value
410jnobooking@gmail.com	Email Other	
5200boyz@gmail.com	Email Other	
cholly1500@yahoo.com	Email Other	
dirtyboy5200@gmail.com	Email Other	
gmb5200@yahoo.com	Email Other	
Lilsid5200@yahoo.com	Email Other	
manman3400@gmail.com	Email Other	
Mel	Mobile	(443) 599-3153
OG	Mobile	(443) 693-7433
Tr	Mobile	(443) 709-7780
troublem5200@icloud.com	Email Other	
wolfmobb@icloud.com	Email Other	

SMS Messages Showing User Attribution:

#	Sender	Recipient	Date/Time	Text
1455	+14436999010 Tay*		3/23/2016 8:59:31 PM (UTC-4)	Shakeen
1369	+16672281370		3/26/2016 9:48:06 PM (UTC-4)	Goodnight Creams I love you more
1059	+16672281370		4/6/2016 9:56:51 PM (UTC-4)	You never sit down and tell me what's yo without us arguing. And no matter if you really mean it or not those words came from the Shakeen I used to know. And I thank you. I love you
977	+16672281370		4/8/2016 9:19:23 PM (UTC-4)	What's the problem now Creams ?
761	+14435159252 Block*		4/13/2016 12:22:45 PM (UTC-4)	Can yo pls call me shakeen I'm scared
689	+14435159252 Block*		4/14/2016 3:25:26 PM (UTC-4)	Shakeen
444	+14104978884		4/19/2016 10:49:06 PM (UTC-4)	Gn shakeen
309	+16672281370		4/22/2016 9:05:08 AM (UTC-4)	On point with what ? Shakeen be for real. The police ain't looking for me...

#	Sender	Recipient	Date/Time	Text
				Maybe you just wanted something to say to me or hear my voice. It's cool
176	+16672281370		4/24/2016 9:06:58 AM (UTC-4)	I seen her Shakeen and Sky in the bed together on snapchat. She so phones want to keep texting my phone about him all she want to do is make sure we not together so they can get together. But watch when 40 come home next month I'm going DM him the screenshots.

Selected SMS Messages:

#	Sender	Recipient	Date/Time	Text
1621	+13016069399 Fh*		3/17/2016 9:35:13 AM (UTC-4)	Hey its j. The dude u just saw
1620		+13016069399 Fh*	3/17/2016 9:35:32 AM (UTC-4)	Ok
1618	+13016069399 Fh*		3/17/2016 9:36:24 AM (UTC-4)	Wanted to grab 2 more. Can u do that for 2 bills
1617		+13016069399 Fh*	3/17/2016 9:36:37 AM (UTC-4)	Yea
1616	+13016069399 Fh*		3/17/2016 9:37:12 AM (UTC-4)	Awewome. I'm a grab the bread then tell me where to go
1576	+13016069399 Fh*		3/18/2016 1:15:40 PM (UTC-4)	U got the same stuff or new
1564	+13016069399 Fh*		3/18/2016 7:25:51 PM (UTC-4)	U gonna text me an address?
1562	+13016069399 Fh*		3/18/2016 7:26:04 PM (UTC-4)	Allandale and gwynn falls?
1561		+13016069399 Fh*	3/18/2016 7:26:09 PM (UTC-4)	Yea
1560		+13016069399 Fh*	3/18/2016 7:26:13 PM (UTC-4)	Thts the street
1559	+13016069399		3/18/2016	Ok I'll see u there

#	Sender	Recipient	Date/Time	Text
	Fh*		7:26:16 PM (UTC-4)	
1558	+13016069399 Fh*		3/18/2016 7:47:28 PM (UTC-4)	I'm in a caddy
1546	+13016069399 Fh*		3/19/2016 2:09:11 AM (UTC-4)	Those boys were not the same and stepped on pretty hard. Just fyi
1541		+13016069399 Fh*	3/19/2016 12:05:59 PM (UTC-4)	Ok thanks for lettin me know I have smethn different too ill give you a piece
1537	+12407028596		3/19/2016 3:53:48 PM (UTC-4)	I need 4 total. Divided in to 2 and 2. Bud
1536		+12407028596	3/19/2016 3:56:54 PM (UTC-4)	Ok
1534	+13013322053 Pete*		3/20/2016 2:33:22 PM (UTC-4)	Yo
1533		+13013322053 Pete*	3/20/2016 2:33:52 PM (UTC-4)	I got a bomb
1528	+12404188783		3/20/2016 4:43:37 PM (UTC-4)	Ight bet. Oh yea, by the way, that last batch was just a little short. I'm not too pressed about it...just thought to let you know.
1527		+12404188783	3/20/2016 4:44:22 PM (UTC-4)	Ok
1518	+12404188783		3/20/2016 6:30:27 PM (UTC-4)	If ya can split it as 1, 1, & .5. Appreciate it bruh
1505	+12405650009		3/21/2016 6:16:49 PM (UTC-4)	hey hun
1504		+12405650009	3/21/2016 6:17:12 PM (UTC-4)	Wassup
1503	+12405650009		3/21/2016 6:17:57 PM (UTC-4)	u be out for a little
1502		+12405650009	3/21/2016 6:18:12 PM (UTC-4)	Yea
1501	+12405650009		3/21/2016 6:18:28 PM (UTC-4)	ok ima head towards u
1489	+12404188783		3/22/2016 1:56:28 PM (UTC-4)	Hey Bruh, are yoga available?

#	Sender	Recipient	Date/Time	Text
1488		+12404188783	3/22/2016 1:57:02 PM (UTC-4)	Yea
1487	+12404188783		3/22/2016 2:18:16 PM (UTC-4)	Ok I should be able to start heading over shortly. I'll call you when I do
1486	+13018286230		3/22/2016 3:17:30 PM (UTC-4)	Hey, any chance you could get me a \$20 of green
1481		+13018286230	3/22/2016 7:22:34 PM (UTC-4)	You still needed green
1480	+13018286230		3/22/2016 7:48:45 PM (UTC-4)	Yeah but I'll be coming down tomorrow morning for boy so can I grab it at the same time? I'll def want it if you can do it
1424	+12404188783		3/24/2016 9:27:55 AM (UTC-4)	Good Morning Bruh. You available today? Also, ya got new stuff? Stuff from the other day is kinda weak.
1423		+12404188783	3/24/2016 9:35:44 AM (UTC-4)	Yea & ill get you smethn better
1414	+12404188783		3/24/2016 12:11:52 PM (UTC-4)	I should be able to head your way shortly. I'll call you when I do tho.
1413		+12404188783	3/24/2016 12:12:30 PM (UTC-4)	Ok
1412	+12404188783		3/24/2016 1:13:01 PM (UTC-4)	Actually if you want, you can do 3 bags or all halves. Whichever works best for you.
1410	+13016766569 Ann*		3/24/2016 7:05:22 PM (UTC-4)	Yoo I'm 20 min out I need 2 gs.
1409		+13016766569 Ann*	3/24/2016 7:05:33 PM (UTC-4)	Ok
1408	+13016766569 Ann*		3/24/2016 7:29:02 PM (UTC-4)	How long u think u gonna b?
1404	+13018286230		3/24/2016 9:58:10 PM (UTC-4)	Hey, you gonna be up early? Wanna come by at 9:30 if that's cool, I have to be somewhere by 10am .
1403		+13018286230	3/24/2016 9:58:25 PM (UTC-4)	Ok

#	Sender	Recipient	Date/Time	Text
1402	+13018286230		3/24/2016 9:59:50 PM (UTC-4)	Thanks, I'll call you at 9:00 when I leave to head down
1333	+12405177604		3/27/2016 1:00:59 PM (UTC-4)	Hey
1332		+12405177604	3/27/2016 1:18:04 PM (UTC-4)	Whsup
1331	+12405177604		3/27/2016 1:20:00 PM (UTC-4)	Just letting you no im back straight
1330		+12405177604	3/27/2016 1:20:19 PM (UTC-4)	Who this
1329	+12405177604		3/27/2016 1:20:38 PM (UTC-4)	G
1273	+12402857904		3/28/2016 8:16:36 PM (UTC-4)	Good?
1272		+12402857904	3/28/2016 8:16:52 PM (UTC-4)	Yea
1271	+12402857904		3/28/2016 8:17:31 PM (UTC-4)	Cool. You got new stuff? The at stuff kinda Gelled up
1270		+12402857904	3/28/2016 8:18:09 PM (UTC-4)	I have sme tan
1269	+12402857904		3/28/2016 8:20:15 PM (UTC-4)	Ok cool. I'm in WVA now but I'll call you when I'm coming down
1268		+12402857904	3/28/2016 8:20:41 PM (UTC-4)	Ok
1323		+14434845704	3/28/2016 1:53:45 AM (UTC-4)	I jst dropped ed off
1322	+14434845704		3/28/2016 1:55:33 AM (UTC-4)	Shordy still wit u
1321		+14434845704	3/28/2016 1:57:52 AM (UTC-4)	N a h
1320		+14434845704	3/28/2016 1:58:13 AM (UTC-4)	Tell dinka get me a mission
1319	+14434845704		3/28/2016 1:58:35 AM (UTC-4)	Shordy went ta sleep I need a mission to my nig
1280	+13018286230		3/28/2016 5:35:40 PM (UTC-4)	I'm here, I'll take a dub of green if you have it, thanks
1279		+13018286230	3/28/2016 5:35:56 PM (UTC-4)	Ok
1266	+13018286230		3/28/2016 8:47:16 PM (UTC-4)	Really good, best in the last month or two

#	Sender	Recipient	Date/Time	Text
1278	+13016937206		3/28/2016 6:35:04 PM (UTC-4)	We are here at the bottom
1277		+13016937206	3/28/2016 6:37:28 PM (UTC-4)	K
1276	+13042409809		3/28/2016 7:38:48 PM (UTC-4)	Headed ur way...cool? N need 2 grab some extra too
1275	+13042409809		3/28/2016 7:47:45 PM (UTC-4)	It's Julie, I just need to know what's up!? I'd like 2 grab if it's the other from today, if u can't replace the other ones 4 some odd reason I'm cool with u adding just some extra in every time until we have gotten even! I have kids tho so I have sitter now, can I come through?
1274	+13042409809		3/28/2016 7:51:50 PM (UTC-4)	Really?
1215		+13042409809	3/30/2016 10:51:54 PM (UTC-4)	Everything back good
1262	+12404188783		3/29/2016 1:06:40 PM (UTC-4)	Afternoon Bruh. You available? If so, what kind do ya got? I'm hoping it ain't that yellow stuff...it sucked.
1261		+12404188783	3/29/2016 1:17:04 PM (UTC-4)	I have tan stuff
1260	+12404188783		3/29/2016 1:22:12 PM (UTC-4)	Strong stuff? I just gotta get my shit together & I'll be on my way. I'll hit ya up when I do
1259		+12404188783	3/29/2016 1:22:48 PM (UTC-4)	Yea its not tht yellow sht tho
1249	+13016937206		3/29/2016 5:00:44 PM (UTC-4)	Hey homie I'm on my way. I have 130. Can you do anything more than one for that.
1243	+13016937206		3/29/2016 5:46:54 PM (UTC-4)	Call me it's been 20. I'm waiting off security
1221	+12407028596		3/30/2016 10:27:52 AM (UTC-4)	How long till u get here bud
1220	+12407028596		3/30/2016 10:34:15 AM (UTC-4)	I'm in the green ford truck again

#	Sender	Recipient	Date/Time	Text
1219		+12407028596	3/30/2016 10:34:41 AM (UTC-4)	2min
1218	+12407028596		3/30/2016 10:35:14 AM (UTC-4)	Ok
1217		+12407028596	3/30/2016 10:40:57 AM (UTC-4)	Cme to bp
1216	+12407028596		3/30/2016 10:41:25 AM (UTC-4)	Ok
1208	+13016937206		3/30/2016 10:56:29 PM (UTC-4)	Yo call me so I can head down. I got bread
1201	+13018286230		3/31/2016 7:35:20 PM (UTC-4)	Can you put it in one bag so I can clock it
1200		+13018286230	3/31/2016 7:36:57 PM (UTC-4)	Ok
1192	+13018286230		4/1/2016 9:39:26 PM (UTC-4)	4g, \$20 of green if you can
1191		+13018286230	4/1/2016 9:39:46 PM (UTC-4)	Ok
1190	+13018286230		4/1/2016 10:09:54 PM (UTC-4)	I'm here
1180	+14433062985		4/2/2016 11:33:32 AM (UTC-4)	Ok anything u want added to it
1179		+14433062985	4/2/2016 11:34:06 AM (UTC-4)	Ar 15 behind gmb
1178	+14433062985		4/2/2016 11:35:10 AM (UTC-4)	Ok
1176		+14433062985	4/2/2016 11:46:15 AM (UTC-4)	Ar 15 is a gun
1175		+14433062985	4/2/2016 11:46:18 AM (UTC-4)	Lol
1174		+14433062985	4/2/2016	How much you want tho

#	Sender	Recipient	Date/Time	Text
			11:46:32 AM (UTC-4)	
1173	+14433062985		4/2/2016 11:51:17 AM (UTC-4)	Lmaoooo o
1172	+14433062985		4/2/2016 11:51:36 AM (UTC-4)	U can give me 30
1171	+14433062985		4/2/2016 11:51:44 AM (UTC-4)	I feel dumb
1170		+14433062985	4/2/2016 11:51:54 AM (UTC-4)	K
1169	+14433062985		4/2/2016 11:56:16 AM (UTC-4)	Check your email bout to send all three
1168		+14433062985	4/2/2016 11:59:31 AM (UTC-4)	Yea just a different font for the big gmb letters
1167		+14433062985	4/2/2016 12:18:28 PM (UTC-4)	The last one
1166		+14433062985	4/2/2016 12:19:49 PM (UTC-4)	Is it any way you can lighten up shadow at bottom of bag
1177	+13018286230		4/2/2016 11:45:11 AM (UTC-4)	I just wanna buy somedont care about the other 2
1164		+13018286230	4/2/2016 1:54:05 PM (UTC-4)	Im waitn to get smethn different
1163	+13018286230		4/2/2016 1:54:42 PM (UTC-4)	Ok let me know thanks
1160	+13018286230		4/2/2016 6:20:55 PM (UTC-4)	Hey, you ever get new stuff?
1157	+13018286230		4/2/2016 7:42:43 PM (UTC-4)	Can I att least buy 2.5 I have cash
1155		+13018286230	4/2/2016 8:52:12 PM (UTC-4)	Yea
1146		+13018286230	4/4/2016 7:23:18 AM (UTC-4)	Got fire
1117		+13018286230	4/4/2016 2:15:21 PM (UTC-4)	910 Carrollton st

#	Sender	Recipient	Date/Time	Text
1116	+13018286230		4/4/2016 2:15:43 PM (UTC-4)	Ok
1144		+13016937206	4/4/2016 7:23:47 AM (UTC-4)	Got fire
1136	+13016937206		4/4/2016 7:25:16 AM (UTC-4)	We we will be on the way soon to see u
1142		+12407028596	4/4/2016 7:23:57 AM (UTC-4)	Got fire
1134	+12407028596		4/4/2016 9:08:03 AM (UTC-4)	I'm n the back of the lot
1133		+12407028596	4/4/2016 9:08:18 AM (UTC-4)	Ok
1110	+12407028596		4/5/2016 9:36:34 AM (UTC-4)	Need 5
1109		+12407028596	4/5/2016 9:42:40 AM (UTC-4)	Ok
1095	+13016937206		4/6/2016 10:15:55 AM (UTC-4)	Can you get any girl also
1093		+13016937206	4/6/2016 10:30:01 AM (UTC-4)	Ill try
1087	+13018286230		4/6/2016 6:51:59 PM (UTC-4)	You around
1086		+13018286230	4/6/2016 6:52:14 PM (UTC-4)	Yea
1085	+13018286230		4/6/2016 6:52:49 PM (UTC-4)	20 minutes out
1084		+13018286230	4/6/2016 6:52:59 PM (UTC-4)	Ok
1083	+13018286230		4/6/2016 7:21:06 PM (UTC-4)	I'm here
1082	+13018286230		4/6/2016 7:21:47 PM (UTC-4)	I'll take a dub of green if you have it
1050		+16672281370	4/6/2016 11:56:35 PM (UTC-4)	No im at bp
1048		+16672281370	4/6/2016 11:59:20 PM (UTC-4)	Q rolling a blunt lol

#	Sender	Recipient	Date/Time	Text
1028	+12404188783		4/7/2016 12:57:59 PM (UTC-4)	Afternoon Bruh. You available?
1023	+12404188783		4/7/2016 9:40:46 PM (UTC-4)	Stuff is pretty good. So yea, I'd say get more
1022	+12407028596		4/8/2016 6:50:43 AM (UTC-4)	U up yet bud
1021		+12407028596	4/8/2016 6:51:09 AM (UTC-4)	Yea
1020		+12407028596	4/8/2016 8:03:17 AM (UTC-4)	Edmondson
1019	+12407028596		4/8/2016 8:04:13 AM (UTC-4)	OK
1018	+12407028596		4/8/2016 8:09:58 AM (UTC-4)	2 and a half
1017	+12407028596		4/8/2016 8:15:21 AM (UTC-4)	I'll be there n 3 minutes
1013	+12404188783		4/8/2016 9:09:53 AM (UTC-4)	Morning Bruh. You available this morning?
1012		+12404188783	4/8/2016 9:24:44 AM (UTC-4)	Yes
1011	+12404188783		4/8/2016 9:31:46 AM (UTC-4)	Ight bet. I should be heading your way shortly.
1010	+12404188783		4/8/2016 10:31:49 AM (UTC-4)	1.5
1008		+12404188783	4/8/2016 11:01:04 AM (UTC-4)	Ok
994	+12404188783		4/8/2016 3:02:23 PM (UTC-4)	Hey Bruh. That stuff I got from just earlier today isn't so great. Also, it was kind of short. I don't think this stuff is the same as stuff from yesterday.
991	+12404188783		4/8/2016 3:10:34 PM (UTC-4)	In any case, I'll most likely be coming up tomorrow afternoon.
967	+12404188783		4/9/2016 8:25:41 AM (UTC-4)	Morning Bruh. You gonna be available later on today in the afternoon? To be honest with ya, I think that stuff from yesterday was like "bottom of batch" stuff. I think it was just "cut" stuff.
966		+12404188783	4/9/2016 8:26:54 AM (UTC-4)	Okay I got brown for you
965	+12404188783		4/9/2016 8:28:30 AM (UTC-4)	Cool. Appreciate it Bruh. Sorry to bad mouth to ya, I know ya don't like to hear that. You think ya could compensate me at all?

#	Sender	Recipient	Date/Time	Text
936	+13018286230		4/9/2016 4:45:55 PM (UTC-4)	Made it through detox, ended up in the hospital but I'm better now, good luck with everything and I'll send people your way if they are looking
869	+12404188783		4/11/2016 10:15:13 AM (UTC-4)	Morning Bruh. You available this afternoon?
866		+12404188783	4/11/2016 10:27:15 AM (UTC-4)	Yes
865	+12404188783		4/11/2016 10:29:22 AM (UTC-4)	Ight bet. Is it brown stuff by chance? That stuff is good
863		+12404188783	4/11/2016 10:34:05 AM (UTC-4)	Yea
862	+12404188783		4/11/2016 10:47:48 AM (UTC-4)	Word. I'll keep ya posted as far as when I'm heading over.
858	+12404188783		4/11/2016 1:33:35 PM (UTC-4)	I should be heading your way shortly.
857		+12404188783	4/11/2016 1:34:41 PM (UTC-4)	K
852	+12404188783		4/11/2016 3:06:04 PM (UTC-4)	Just a friendly reminder...2.5 but separated in halves
750	+12404188783		4/13/2016 2:58:03 PM (UTC-4)	Afternoon bruh. You available?
749		+12404188783	4/13/2016 2:58:25 PM (UTC-4)	Yea I got smethb nice too
748	+12404188783		4/13/2016 3:00:41 PM (UTC-4)	Ohh word! I should be able to head your way shortly. I'll hit you up when I do.
742	+13013322053 Pete*		4/13/2016 6:27:45 PM (UTC-4)	Yo
741		+13013322053 Pete*	4/13/2016 6:37:49 PM (UTC-4)	Yo
740	+13013322053 Pete*		4/13/2016 6:38:05 PM (UTC-4)	What you got
738		+13013322053 Pete*	4/13/2016 6:38:23 PM (UTC-4)	Dark
737	+13013322053 Pete*		4/13/2016 6:38:40 PM (UTC-4)	Ok on my way

#	Sender	Recipient	Date/Time	Text
734		+13013322053 Pete*	4/13/2016 6:42:24 PM (UTC-4)	Ok
611	+12405650009		4/17/2016 1:38:20 PM (UTC-4)	Anything good around
610		+12405650009	4/17/2016 1:38:45 PM (UTC-4)	Yea yea
609	+12405650009		4/17/2016 1:39:14 PM (UTC-4)	oh yea
604	+12405650009		4/17/2016 1:55:39 PM (UTC-4)	k can i come see u
600		+12405650009	4/17/2016 2:03:41 PM (UTC-4)	K
591	+12405650009		4/17/2016 4:26:41 PM (UTC-4)	hey hun im down here but just realized that i didn't grab the right thing of money im 10 short if u can do something let me know im here if not tell me to
589	+14436408950		4/17/2016 5:11:58 PM (UTC-4)	Bro half play rey pull up n like ten
588		+14436408950	4/17/2016 5:26:58 PM (UTC-4)	Yo im on norfolk
587		+14436408950	4/17/2016 5:27:13 PM (UTC-4)	Im fault I shou l d have told you
586	+14436408950		4/17/2016 5:27:52 PM (UTC-4)	Dang
585	+14436408950		4/17/2016 5:33:19 PM (UTC-4)	Whfre u want me send em
584		+14436408950	4/17/2016 5:34:08 PM (UTC-4)	Any closr you tell me
583	+14436408950		4/17/2016 5:34:58 PM (UTC-4)	They on ea now
560	+12407028596		4/18/2016 8:11:33 AM (UTC-4)	Light brown or dark stuff?
559		+12407028596	4/18/2016 8:11:48 AM (UTC-4)	Dark

#	Sender	Recipient	Date/Time	Text
558		+12407028596	4/18/2016 8:12:04 AM (UTC-4)	Or light either or
557	+12407028596		4/18/2016 8:12:46 AM (UTC-4)	Can I get one of each
556		+12407028596	4/18/2016 8:16:24 AM (UTC-4)	K
545	+12404188783		4/18/2016 6:54:07 PM (UTC-4)	Good Evening Bruh. You available tonight? I think I'd be able to head your way shortly.
544		+12404188783	4/18/2016 6:54:24 PM (UTC-4)	Yea
542	+12404188783		4/18/2016 7:12:59 PM (UTC-4)	Ight bet. I should be on my way shortly. I'll call you before I'm on my way
541		+12404188783	4/18/2016 7:13:17 PM (UTC-4)	K
538	+12404188783		4/18/2016 8:15:03 PM (UTC-4)	3 but in halves. I appreciate it Bruh. I'll most likely need to come back tomorrow too, just to let ya know
496	+12404188783		4/19/2016 12:04:21 AM (UTC-4)	Yo. I like this stuff. It's pretty good, kinda like more than brown cuz it's not as gooey as brown. Have a good night bruh & I'll most likely see ya tomorrow morning.
477	+12404188783		4/19/2016 8:49:33 AM (UTC-4)	Good Morning Bruh. You available this morning?
476		+12404188783	4/19/2016 8:50:01 AM (UTC-4)	Yes
471	+12404188783		4/19/2016 10:32:54 AM (UTC-4)	Gonna need 2.5 (2 for me & half for friend). Cool?
470	+12404188783		4/19/2016 11:36:54 AM (UTC-4)	I'll be there in like 10 min. I'm coming from Sports Authority on rt 40
469	+12404188783		4/19/2016 12:35:11 PM (UTC-4)	Thanks Bruh. Have a good day yo
414		+14433731253	4/20/2016 7:13:56 AM (UTC-4)	Yo
412	+14433731253		4/20/2016 7:14:57 AM (UTC-4)	Call me dis Boosie

#	Sender	Recipient	Date/Time	Text
331	+12405293724		4/21/2016 10:06:09 PM (UTC-4)	Hey I'm getting off my 304 number died
328	+12405293724		4/21/2016 10:16:29 PM (UTC-4)	I'm here where do I go
326	+12405293724		4/21/2016 10:18:20 PM (UTC-4)	What up?
325	+12405293724		4/21/2016 10:32:46 PM (UTC-4)	Plz answer I just drove over n hr to get here
324	+12405293724		4/21/2016 10:41:04 PM (UTC-4)	Y tell me to come if u aren't gonna answer? I gotta get a sitter n all shit cost me lots of money to come down
260	+13047318240		4/23/2016 12:20:13 AM (UTC-4)	Hey you were .7 short :/
258	+13047318240		4/23/2016 12:22:21 AM (UTC-4)	We tried to call back. If you wanna fix it lemme know ill get some more from you tomowro.
101	+12404188783		4/25/2016 12:23:17 PM (UTC-4)	I just got off from work. Going back to my crib to change & then I should be headed out to you.
100		+12404188783	4/25/2016 12:25:48 PM (UTC-4)	K
98	+12404188783		4/25/2016 1:51:48 PM (UTC-4)	Oh I forgot to ask, still same stuff as last time?
97		+12404188783	4/25/2016 1:52:04 PM (UTC-4)	Yea
90	+12404188783		4/25/2016 3:06:09 PM (UTC-4)	Damn, I was expecting the tan stuff...this stuff looks like that yellow stuff, which is pretty weak.
89	+12404188783		4/25/2016 3:13:26 PM (UTC-4)	What have peeps been saying about this stuff? I'm still waiting for it to hit me. Lol
87		+12404188783	4/25/2016 3:16:19 PM (UTC-4)	Everyone. Said its good
85	+12404188783		4/25/2016 3:18:26 PM (UTC-4)	Ok cool. Eyes can be deceiving, so we'll see. I ain't bitching in anyway, just to let ya know. Appreciate what ya

#	Sender	Recipient	Date/Time	Text
				do. I'll most likely see ya on Wednesday.
77	+12404188783		4/25/2016 3:21:39 PM (UTC-4)	By the way, the stuff ya had earlier last week was pretty strong. Hope you'll be able to get that again. Have a good day Bruh & be safe
88	+12404401710		4/25/2016 3:15:34 PM (UTC-4)	Yo
86		+12404401710	4/25/2016 3:16:28 PM (UTC-4)	Who this
83	+12404401710		4/25/2016 3:18:41 PM (UTC-4)	Scotty, I'm in Frederick im trying to get down there today, probably like 5-6, that cool
82		+12404401710	4/25/2016 3:19:05 PM (UTC-4)	Where I know you from
81	+12404401710		4/25/2016 3:19:35 PM (UTC-4)	Big Will
80	+12404401710		4/25/2016 3:19:58 PM (UTC-4)	He gave me your number
79	+12404401710		4/25/2016 3:19:59 PM (UTC-4)	I just came home
78		+12404401710	4/25/2016 3:20:32 PM (UTC-4)	Fck off my phone
76	+12404401710		4/25/2016 3:22:32 PM (UTC-4)	??
75		+12404401710	4/25/2016 3:23:10 PM (UTC-4)	Dont hit my fckn phone thts what
74	+12404401710		4/25/2016 3:24:53 PM (UTC-4)	You got it , no hard feelings, strictly business.
95	+13013322053 Pete*		4/25/2016 2:59:51 PM (UTC-4)	Yo what's up
94		+13013322053 Pete*	4/25/2016 3:01:53 PM (UTC-4)	Everything good
93	+13013322053 Pete*		4/25/2016 3:02:32 PM (UTC-4)	It's p wit the Durango
92	+13013322053 Pete*		4/25/2016 3:02:35 PM (UTC-4)	Ok on my way need 3 boys and 1 girl
91		+13013322053 Pete*	4/25/2016 3:03:04 PM (UTC-4)	Ok
73	+13013322053 Pete*		4/25/2016 3:43:02 PM (UTC-4)	Yo what's up
72	+13013322053 Pete*		4/25/2016 3:45:46 PM (UTC-4)	Yo I'm here what's up

#	Sender	Recipient	Date/Time	Text
71	+13013322053 Pete*		4/25/2016 3:54:02 PM (UTC-4)	Yo
70	+13013322053 Pete*		4/25/2016 4:02:00 PM (UTC-4)	Yo what's up
69		+13013322053 Pete*	4/25/2016 4:14:12 PM (UTC-4)	Yo
68	+13013322053 Pete*		4/25/2016 4:14:36 PM (UTC-4)	Where too I'm here yo
67		+13013322053 Pete*	4/25/2016 4:16:18 PM (UTC-4)	Garrison and Duvall
66	+13013322053 Pete*		4/25/2016 4:16:38 PM (UTC-4)	Ok
16	+14433789152		4/26/2016 10:29:31 AM (UTC-4)	7 1/2 boys shoe .medium girl shirt
1368	+16672281370		3/26/2016 9:48:08 PM (UTC-4)	Be safe
1367		+16672281370	3/26/2016 11:31:57 PM (UTC-4)	They trying k me
1366	+16672281370		3/26/2016 11:34:27 PM (UTC-4)	Who ?
1365		+16672281370	3/26/2016 11:34:39 PM (UTC-4)	Mm
933		+16672281370	4/9/2016 7:54:50 PM (UTC-4)	Too much at once other yo I was into it wit jst came home too & nigha frm my way did some bitch sht with me & basically pit a nigga ina fckd up situation cuz now they knw
932	+16672281370		4/9/2016 7:56:36 PM (UTC-4)	Mhmm. Took forever to respond!! Smh people ain't shit.. Watch your back... Keep your friends close and you enemies closer. We both going through things tho, I keep getting sick.
892	+16672281370		4/10/2016 7:07:35 PM (UTC-4)	You good
891		+16672281370	4/10/2016 9:13:20 PM (UTC-4)	Yea jst beefn heavy but good

#	Sender	Recipient	Date/Time	Text
834		+16672281370	4/11/2016 7:36:49 PM (UTC-4)	I been hunting non stop I a int been sleeping im fckd up im glad you cant see me.like this im stressing
833	+16672281370		4/11/2016 7:39:51 PM (UTC-4)	I don't remember how I looked.... I'm thankful you're still alive even though we not always on the best of terms. I just wish you stay out the way and choose a different path.
831		+16672281370	4/11/2016 7:59:10 PM (UTC-4)	No eyes baggy I look and feel crazy my mind on some militant sht I love you
314		+16672281370	4/22/2016 8:55:14 AM (UTC-4)	I think I got warrant timeout knock on my door everyday for the last week im scared to a answer unless they looking for you idk
889		+14435159252 Block*	4/10/2016 9:14:26 PM (UTC-4)	Didnt say I couldn't bitch niggas beefn heavy you dnt fckn understand yo
886	+14435159252 Block*		4/10/2016 9:16:32 PM (UTC-4)	bullsht , bullsht & more bullsht
885	+14435159252 Block*		4/10/2016 9:16:37 PM (UTC-4)	& watch your mouth
881		+14435159252 Block*	4/10/2016 9:18:58 PM (UTC-4)	Fr yo nigha I was Into it wit home yo try get sme bitch to call me & meet them lls
880	+14435159252 Block*		4/10/2016 9:20:26 PM (UTC-4)	Th fat one?
879	+14435159252 Block*		4/10/2016 9:22:34 PM (UTC-4)	& oh well bitch you better do wht you gotta do
878	+14435159252 Block*		4/10/2016 9:22:40 PM (UTC-4)	Dnt let em get you first stupid
877		+14435159252 Block*	4/10/2016 9:24:30 PM (UTC-4)	N a h he jst came home too tho
876		+14435159252 Block*	4/10/2016 9:24:59 PM (UTC-4)	I been searching a ll day
875	+14435159252 Block*		4/10/2016 9:27:15 PM (UTC-4)	You just dumb , Ima pray for u
868	+14435159252 Block*		4/11/2016 10:21:46 AM (UTC-4)	Nobody prolly even after you, but God don't like ugly .. Something going happen to you soon
867	+14435159252 Block*		4/11/2016 10:22:08 AM (UTC-4)	& when it do don't try be concerned about my child then!

#	Sender	Recipient	Date/Time	Text
864		+14435159252 Block*	4/11/2016 10:30:24 AM (UTC-4)	I never said anybody was after me bitch at the end of the day I know what I did to shawty so I know what I gotta do so bye
774		+14435159252 Block*	4/12/2016 10:31:27 PM (UTC-4)	What you trying help them.find me
771	+14435159252 Block*		4/12/2016 10:57:32 PM (UTC-4)	Bitch thts crazy you try say I'm trying set you up, I don't even believe anyone is after you, you do to much for attention, you prolly ain't even get hit by a car but if any of it is true you should be trying to spend as much time w your child as possible, your priorities so fckd up .. all you worry abt is yourself & botches ! How would I set you up tho ? Like Idek th ppl, you say anything .. stupid ass
770		+14435159252 Block*	4/12/2016 11:20:05 PM (UTC-4)	I jst need a little time to handle my situation so I dnt have. To keep looking ove r my back every sec I was trying come talk to you but you keep trying fuss
766		+14435159252 Block*	4/12/2016 11:28:47 PM (UTC-4)	& nobody needs to know anythng so please dnt tell your friends its more serious than you think
227		+14435159252 Block*	4/23/2016 4:51:55 PM (UTC-4)	And tell me why lor nigga I hit jst snuck me in the store lls

Selected Web Searches Searched Items:

Timestamp:	Source:	Value:
3/17/2016 3:23:56 PM (UTC-4)	Chrome	Omerta
4/11/2016 5:04:46 PM (UTC-4)	Chrome	how.com to make heroin rock solid
4/13/2016 1:19:17 PM (UTC-4)	Chrome	sulfamethoxazole
4/23/2016 9:24:43 PM (UTC-4)	Chrome	223 white pill

Item 204
Selected Excerpts from LG Cell Phone,
Recovered from Shakeen Davis on February 24, 2017

Email addresses:

dinero4800@gmail.com

omerta.code52@gmail.com

Shadavis.designer@gmail.com

creams.dinero@icloud.com

SMS Messages Showing User Attribution:

#	Sender	Recipient	Date/Time	Text
1386	+14437694036		2/7/2017 7:18:10 AM (UTC-5)	Gm and I said I gotta see and how you spell your name ?
1385		+14437694036	2/7/2017 7:18:33 AM (UTC-5)	Shykeen
1384		+14437694036	2/7/2017 7:19:20 AM (UTC-5)	You got ig if so @fh_dinero
1383	+14437694036		2/7/2017 7:19:41 AM (UTC-5)	Okay
130	+14433252637 Maya*		2/23/2017 7:48:28 AM (UTC-5)	Who this
127		4433252637 Maya*	2/23/2017 7:49:58 AM (UTC-5)	Shykeen
159	+16672068592 Cook*		2/22/2017 11:39:26 PM (UTC-5)	Creamssssssss

Selected Contacts:

Name	Category	Value
A	Mobile	(443) 492-7556
Kee	Mobile	(667) 228-1370

Selected SMS Messages:

#	Sender	Recipient	Date/Time	Text
1637		2404463316 H**	2/2/2017 7:51:37 AM (UTC-5)	Got testers today white everyone saying its handsdwn 9-10
1634		3042407994 Ev Play 1**	2/2/2017 7:54:15 AM (UTC-5)	Sammy new # delete other one For tester everyone saying hands down 9-10
1632		To 4438335283 Ev Play2**	2/2/2017 7:54:50 AM (UTC-5)	Got testers today
1572	+17174766146 Nancey**		2/2/2017 12:18:54 PM (UTC-5)	Could you front me a half until I get paid tomorrow?
1553	2404052074 Slver**		2/2/2017 12:42:33 PM (UTC-5)	Yo that stuff last night was just as bad if not worst let me know if u get that rocky white shite back
1552		2404052074 Slver**	2/2/2017 12:43:48 PM (UTC-5)	Got it now its putt ppl out tho
1551	2404052074 Slver**		2/2/2017 12:46:34 PM (UTC-5)	Those people are stupid iv been doin this shit for 6 years and never gone out not once some people are just dumb and gotta push everything to the limit hold on to 1.5 for me I'll be down around 4 prolly
1550		2404052074 Slver**	2/2/2017 12:47:22 PM (UTC-5)	Ok
1547	7174766146 Nancey**		2/2/2017 1:56:11 PM (UTC-5)	You do me a half for 40?

#	Sender	Recipient	Date/Time	Text
1546		7174766146 Nancey**	2/2/2017 1:56:36 PM (UTC-5)	Yea
1526	+13016420994 Bt***		2/2/2017 6:09:52 PM (UTC-5)	Ima need 2 and separate half
1525	+13016420994 Bt***		2/2/2017 6:11:10 PM (UTC-5)	I'll let u know when I'm omw so u can tell me where I'm going
1524		+13016420994 Bt***	2/2/2017 6:40:30 PM (UTC-5)	Ok
1510	3019808181 Pops***		2/3/2017 12:25:44 PM (UTC-5)	I am about 20 minutes out and I need 2 where do you want me to go
1509		3019808181 Pops***	2/3/2017 12:29:42 PM (UTC-5)	Stafford
1508	3019808181 Pops***		2/3/2017 12:30:00 PM (UTC-5)	Okay
1458	+13016420994 Bt***		2/4/2017 4:53:05 PM (UTC-5)	Forgot to tell u, I need same as yesterday, 2 and a separate half. Don't forget to text me where I'm Going
1457		+13016420994 Bt***	2/4/2017 5:00:12 PM (UTC-5)	1412 ashland ave
1199	+17174768256 Jeff**		2/8/2017 1:26:11 PM (UTC-5)	How is your boy?
1098	+17174766146 Nancey**		2/9/2017 6:54:19 PM (UTC-5)	Can you do 2 g for 180?
1097		+17174766146 Nancey**	2/9/2017 6:57:07 PM(UTC- 5)	Yea
1096	+17174766146		2/9/2017	Ok thanks I'm text you when close I


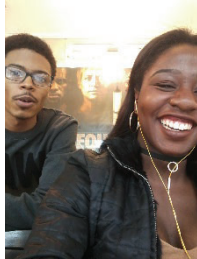
#	Sender	Recipient	Date/Time	Text
	Nancey**		6:58:59 PM (UTC-5)	need one whole n 2 halves seperate plz
642	+17174766146 Nancey**		2/18/2017 9:31:15 AM (UTC-5)	Can I come? I need one n half ...Can you do that for 140? Please
641		+17174766146 Nancey**	2/18/2017 9:58:05 AM (UTC-5)	Ok
637	+17174766146 Nancey**		2/18/2017 11:21:18 AM (UTC-5)	Can you do 2 for 180
636		+17174766146 Nancey**	2/18/2017 11:21:28 AM (UTC-5)	Yea gotchu
635	+17174766146 Nancey**		2/18/2017 11:22:14 AM (UTC-5)	K
634	+17174766146 Nancey**		2/18/2017 1:41:00 PM (UTC-5)	I'm about 20 minutes away
633	+17174766146 Nancey**		2/18/2017 1:41:12 PM (UTC-5)	Ambrose?
632	+17174766146 Nancey**		2/18/2017 1:42:18 PM (UTC-5)	Need two gs can you make one whole m two halves?
631		+17174766146 Nancey**	2/18/2017 1:59:24 PM (UTC-5)	Ok
622	+13016420994 Bt***		2/18/2017 3:18:18 PM(UTC- 5)	I got like \$150 and I'll square up the rest with u tomorrow. I kept my word on that the last time u helped me out
619	+13016420994 Bt***		2/18/2017 3:43:44 PM (UTC-5)	I'm headin out now, be there in like 15-20 mins. Can u do what we discussed?
618		+13016420994 Bt***	2/18/2017 3:44:11 PM (UTC-5)	Yea



#	Sender	Recipient	Date/Time	Text
613	+13016420994 Bt***		2/18/2017 4:25:41 PM (UTC-5)	I think u asked me what I needed, it's 1.5 plus a separate half
612	+13016420994 Bt***		2/18/2017 4:28:12 PM (UTC-5)	I'm here
611		+13016420994 Bt***	2/18/2017 4:28:48 PM (UTC-5)	Ok
484	+13016420994 Bt***		2/19/2017 8:42:19 PM (UTC-5)	Yo u only gave me 1.5 plus the extra half but it was supposed to be (and I paid for) 2 plus a half. I ain't tripping bout it cause I owed u some \$ anyway but can I just take that off of what I owe u?
482		+13016420994 Bt***	2/19/2017 10:56:01 PM (UTC-5)	Cool
315	+17174766146 Nancey**		2/21/2017 8:38:00 AM (UTC-5)	Can I come get a half for 40?
314		+17174766146 Nancey**	2/21/2017 9:32:30 AM (UTC-5)	Ok
313	+17174766146 Nancey**		2/21/2017 9:52:38 AM (UTC-5)	Still grey?
312		+17174766146 Nancey**	2/21/2017 10:52:47 AM (UTC-5)	Yea
298	+13016420994 Bt***		2/21/2017 2:20:40 PM (UTC-5)	U ever get white?
296	+13016420994 Bt***		2/21/2017 2:30:42 PM (UTC-5)	??
293	+13016420994 Bt***		2/21/2017 2:55:00 PM (UTC-5)	I'd like to head up soon so let me know
291	+13016420994		2/21/2017	Yo I'll take the gray, lemme know

#	Sender	Recipient	Date/Time	Text
	Bt***		3:19:52 PM (UTC-5)	something yo
290		+13016420994 Bt***	2/21/2017 3:34:01 PM (UTC-5)	What you need
289	+13016420994 Bt***		2/21/2017 3:35:54 PM (UTC-5)	1.5 Which one is it tho? Should I head up now?
195	+17174766146 Nancey**		2/22/2017 3:31:23 PM(UTC- 5)	Got white and girl
111		3018286230 Jerm**	2/23/2017 8:07:09 AM (UTC-5)	Back good w/ Boy & girl
112		3017321367 Bree**	2/23/2017 8:06:54 AM (UTC-5)	Back good w/ Boy & girl
113		+14437694036	2/23/2017 8:06:34 AM (UTC-5)	Come see me
114		2403447747 J**	2/23/2017 8:05:35 AM (UTC-5)	Back good w/ Boy & girl
115		2404463316 H**	2/23/2017 8:05:23 AM (UTC-5)	Back good w/ Boy & girl
116		+14434734418 Keith**	2/23/2017 8:05:10 AM (UTC-5)	Back good w/ Boy & girl
117		+17174766146 Nancey**	2/23/2017 8:04:22 AM (UTC-5)	Fwd:// Back good w/ Boy & girl
82	+12402857904 Kidd**		2/23/2017 12:11:19 PM (UTC-5)	OK nice.still got the same boy as the day before?
81		+12402857904 Kidd**	2/23/2017 12:11:28 PM(UTC- 5)	Yea
80	+12402857904		2/23/2017	OK sweet cuz that stuff was

#	Sender	Recipient	Date/Time	Text
	Kidd**		12:16:30 PM(UTC-5)	definitely good. So I will be looking to get more today and also grab some of your girl
3	+17174766146 Nancey**		2/24/2017, 6:53:12 PM (UTC-5)	I need one

Selected MMS Messages:


#	To:	Timestamp:	Content:
10	To: 4433062985 Sq*	2/16/2017 12:47:10 AM (UTC-5)	<p>I need a logo can you put F orevr About M oney by the top and a Ar15 gun on the side , on the bag or behind the bag either or I need slick logo for sweat suite im gettn stitched. & can you try a separate one with a street with yellow an white lines. With the bag and the flying money picture. With the Forever About Money</p> 
8	From: 14435385946 Erica* To: +16678020068	2/22/2017 5:02:53 PM (UTC-5)	

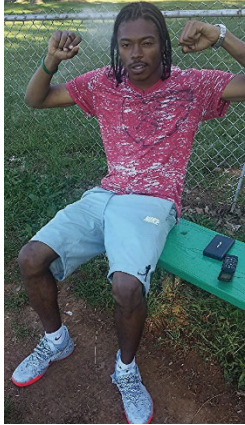

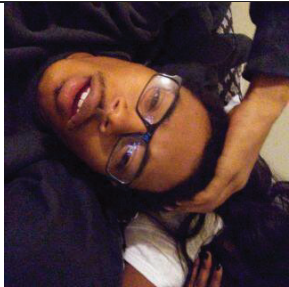
#	To:	Timestamp:	Content:
6	4433062985 Sq*	2/22/2017 10:06:42 PM (UTC-5)	
2	4433062985 Sq*	2/23/2017 12:14:31 PM (UTC-5)	<p>Can you put G. M . B FADED BY WHERE STREET AND MONEY BAG INTERSECT</p> 

Selected Web Searches Searched Items:

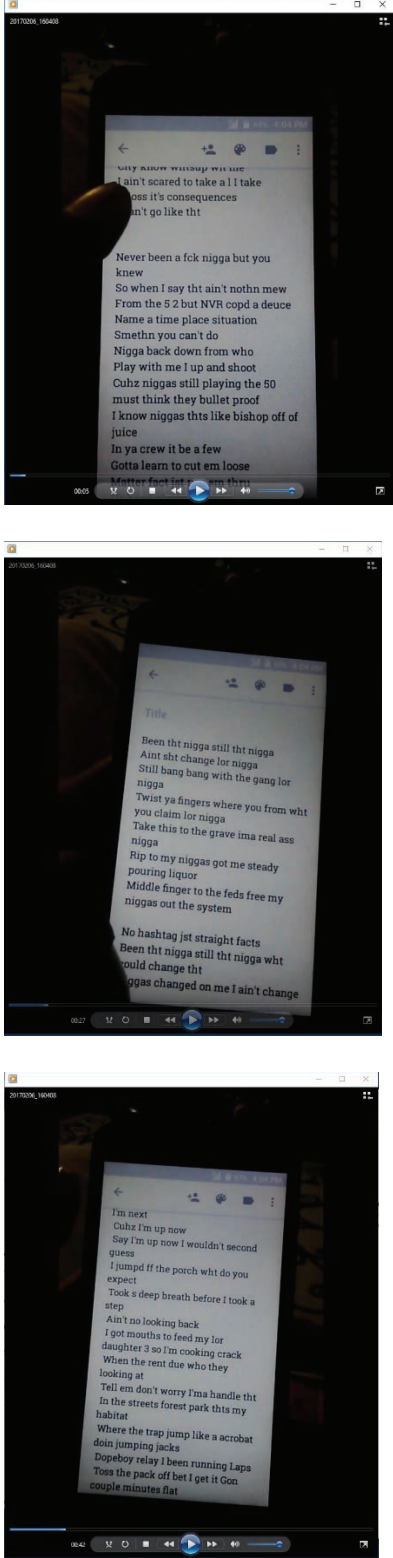
Timestamp:	Source:	Value:
2/23/2017 12:11:41 AM (UTC-5)	Chrome	24 indicted in baltimore
2/5/2017 9:31:26 PM (UTC-5)	Chrome	45 desert eagle

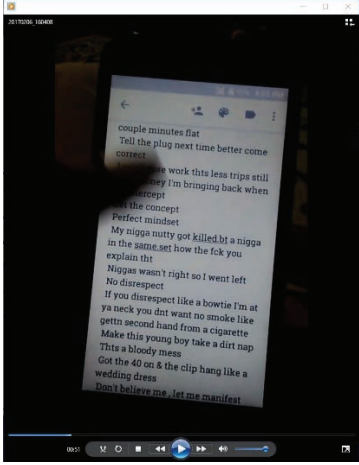
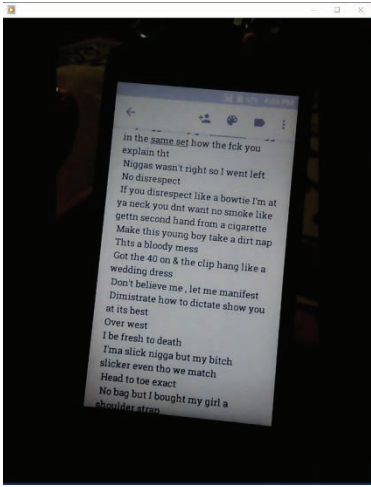
Selected Images:

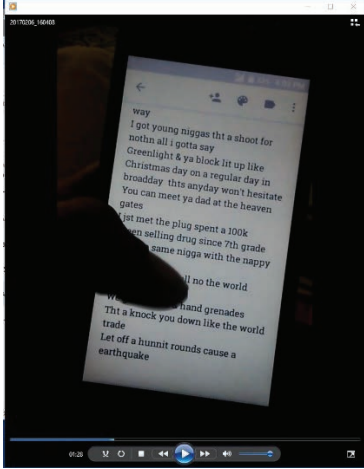
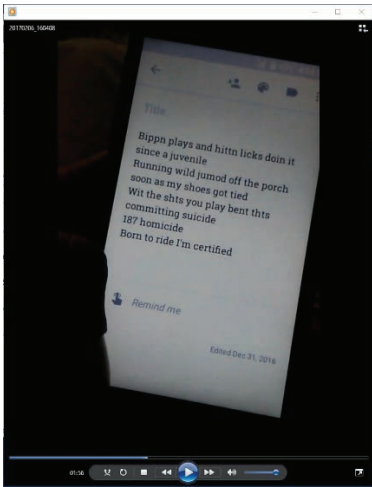
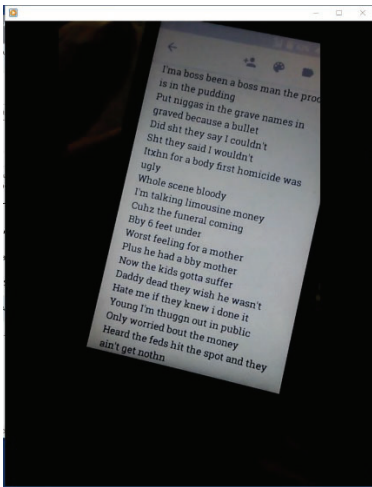
#	Metadata:	Image:
159	<p>Size (bytes): 51385 Created: 2/20/2017 1:41:28 AM(UTC-5) Modified: 2/20/2017 1:41:28 AM(UTC-5) Accessed: 2/20/2017 1:41:28 AM(UTC-5) Source Extraction Physical</p>	

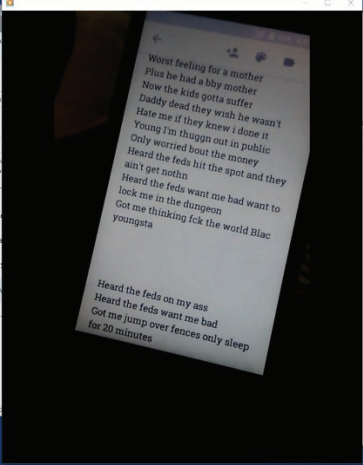
#	Metadata:	Image:
166	Size (bytes): 186212 Created: 2/20/2017 1:40:16 AM(UTC-5) Modified: 2/20/2017 1:40:16 AM(UTC-5) Accessed: 2/20/2017 1:40:16 AM(UTC-5) Source Extraction Physical	
168	Size (bytes): 18815 Created: 2/7/2017 7:28:38 PM(UTC-5) Modified: 2/7/2017 7:28:38 PM(UTC-5) Accessed: 2/7/2017 7:28:38 PM(UTC-5) Source Extraction Physical	
461	Size (bytes): 19696 Created: 2/22/2017 5:03:59 AM(UTC-5) Modified: 2/22/2017 5:03:59 AM(UTC-5) Accessed: 2/22/2017 5:03:59 AM(UTC-5) Source Extraction Physical	

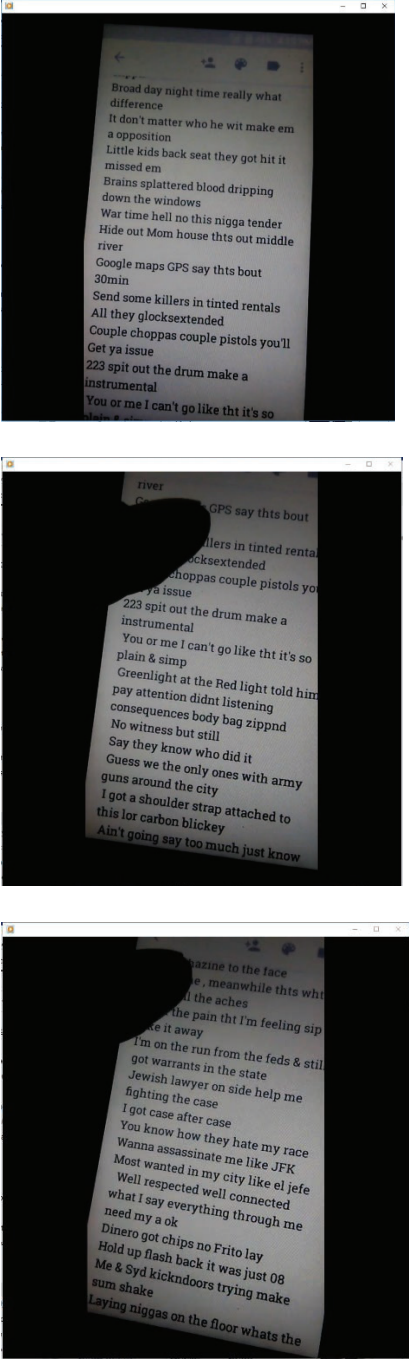
Selected Screen Shots from Video:

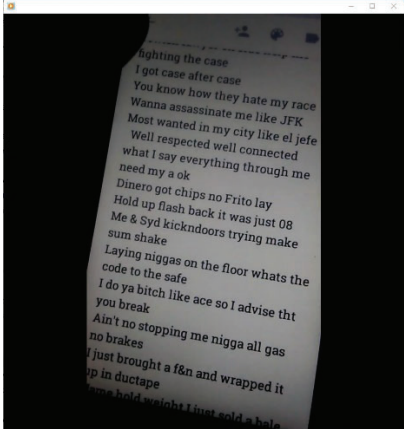
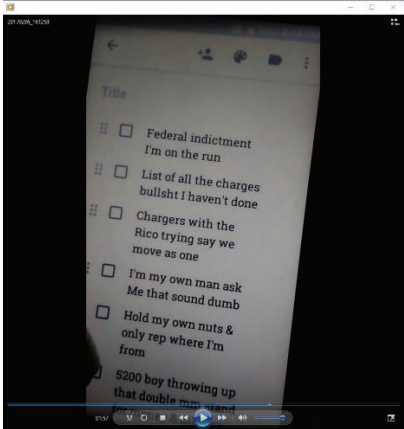
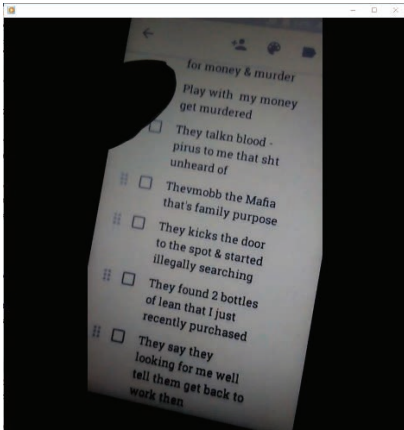
#	Metadata	Stills
1	<p>Name: 20170206_160408.mp4</p> <p>Created: 2/6/2017 4:04:09 PM(UTC-5) Modified: 2/6/2017 4:09:28 PM(UTC-5) Accessed: 2/6/2017 4:04:09 PM(UTC-5)</p>	 <p>The three screenshots show a smartphone screen displaying lyrics. The first screenshot shows the top of the screen with the text 'I ain't scared to take a l take' and 'loss it's consequences'. The second screenshot shows the middle of the screen with the text 'Never been a fck nigga but you knew'. The third screenshot shows the bottom of the screen with the text 'I'm next' and 'Cuhz I'm up now'.</p>

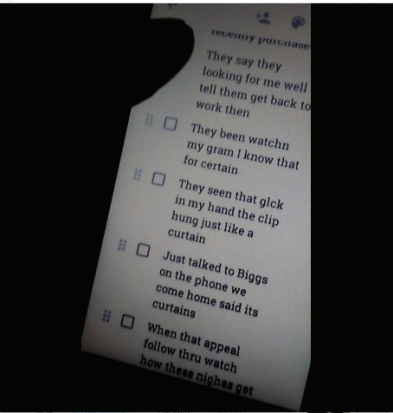
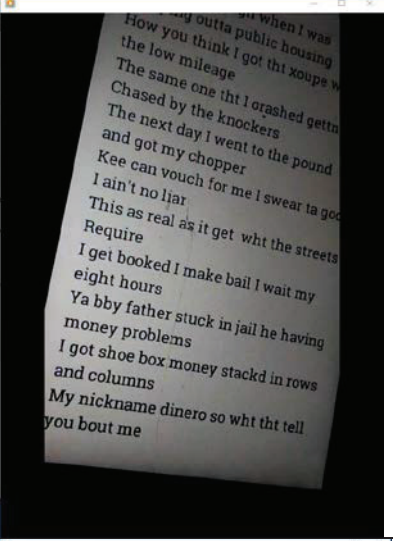
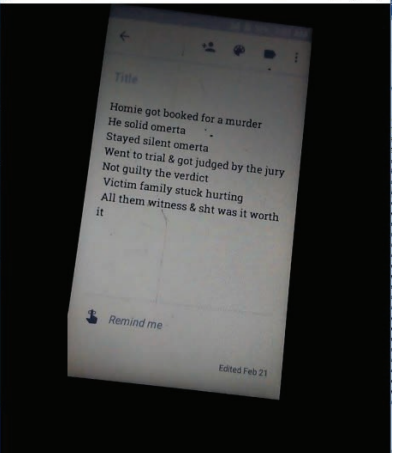
#	Metadata	Stills
		 A screenshot of a video player window. The video shows a smartphone screen with a list of lyrics. The lyrics are: "couple minutes flat", "Tell the plug next time better come correct", "I'm working this less trips still", "they I'm bringing back when", "I'm creep", "the concept", "Perfect mindset", "My nigga nutty got killed hit a nigga in the same set how the fck you explain tht", "Niggas wasn't right so I went left", "No disrespect", "If you disrespect like a bowtie I'm at ya neck you dnt want no smoke like gettu second hand from a cigarette", "Make this young boy take a dirt nap", "Thits a bloody mess", "Got the 40 on & the clip hang like a wedding dress", "Don't believe me ,let me manifest". The video player has a progress bar at the bottom showing 44%.
		 A screenshot of a video player window. The video shows a smartphone screen with a list of lyrics. The lyrics are: "in the same set how the fck you explain tht", "Niggas wasn't right so I went left", "No disrespect", "If you disrespect like a bowtie I'm at ya neck you dnt want no smoke like gettu second hand from a cigarette", "Make this young boy take a dirt nap", "Thits a bloody mess", "Got the 40 on & the clip hang like a wedding dress", "Don't believe me ,let me manifest", "Dimistrate how to dictate show you at its best", "Over west", "I be fresh to death", "I'ma slick nigga but my bitch slicker even tho we match", "Head to toe exact", "No bag but I bought my girl a shoulder strap". The video player has a progress bar at the bottom showing 44%.
		 A screenshot of a video player window. The video shows a smartphone screen with a list of lyrics. The lyrics are: "way", "I got young niggas tht a shoot for botin all i gotta say", "Greenlight & ya block lit up like Christmas day on a regular day in broadday this anyday won't hesitate", "You can meet ya dad at the heaven gates", "I met the plug spent a 100k", "when selling drug since 7th grade", "same nigga with the nappy", "I'll no the world", "Tht a knock you down like the world trade", "Let off a hunnit rounds cause a earthquake". The video player has a progress bar at the bottom showing 44%.

#	Metadata	Stills
		  

#	Metadata	Stills
		  

#	Metadata	Stills
2	<p>Name: 20170206_161258.mp4</p> <p>Created: 2/6/2017 4:12:59 PM(UTC-5)</p> <p>Modified: 2/6/2017 4:15:57 PM(UTC-5)</p> <p>Accessed: 2/6/2017 4:12:59 PM(UTC-5)</p>	 <p>The three stills show a person holding a piece of paper with lyrics. The first still shows the top of the page with lyrics starting with 'Broad day night time really what difference'. The second still shows the middle of the page with lyrics starting with 'Send some killers in tinted rentals'. The third still shows the bottom of the page with lyrics starting with 'magazine to the face'.</p>

#	Metadata	Stills
		 <p>fighting the case I got case after case You know how they hate my race Wanna assassinate me like JFK Most wanted in my city like el jefe Well respected well connected what I say everything through me need my a ok Dinero got chips no Frito lay Hold up flash back it was just 08 Me & Syd kickdoors trying make sum shake Laying niggas on the floor whats the code to the safe I do ya bitch like ace so I advise tht you break Ain't no stopping me nigga all gas no brakes I just brought a f&n and wrapped it up in ductape some hold weight I just sold a buj</p>
		 <p>Title</p> <ul style="list-style-type: none"><input type="checkbox"/> Federal indictment I'm on the run<input type="checkbox"/> List of all the charges bullsht I haven't done<input type="checkbox"/> Chargers with the Rico trying say we move as one<input type="checkbox"/> I'm my own man ask Me that sound dumb<input type="checkbox"/> Hold my own nuts & only rep where I'm from<input type="checkbox"/> \$200 boy throwing up that double my hand
		 <p>for money & murder Play with my money get murdered</p> <ul style="list-style-type: none"><input type="checkbox"/> They talkn blood - pirus to me that sht unheard of<input type="checkbox"/> Themobb the Mafia that's family purpose<input type="checkbox"/> They kicks the door to the spot & started illegally searching<input type="checkbox"/> They found 2 bottles of lean that I just recently purchased<input type="checkbox"/> They say they looking for me well tell them get back to work then

#	Metadata	Stills
		
11	<p>Name: 20170223_025734.mp4</p> <p>Created: 2/23/2017 2:57:34 AM(UTC-5)</p> <p>Modified: 2/23/2017 3:00:59 AM(UTC-5)</p> <p>Accessed: 2/23/2017 2:57:34 AM(UTC-5)</p>	
12	<p>Name: 20170223_030101.mp4</p> <p>Created: 2/23/2017 3:01:01 AM(UTC-5)</p> <p>Modified: 2/23/2017 3:02:16 AM(UTC-5)</p> <p>Accessed: 2/23/2017 3:01:01 AM(UTC-5)</p>	



☐ CIRCUIT COURT ☒ DISTRICT COURT OF MARYLAND FOR Baltimore City
City/County

Located at 5800 WABASH AVENUE
Court Address

Case No. 3B02191227

STATE OF MARYLAND
OR

Plaintiff

vs.

Defendant

DAVIS, SHAKEEN

CERTIFICATION OF TRUE COPY

I HEREBY CERTIFY that I am authorized to make this certification, and that the attached is a true copy of: CHARGES & DISPOSITION

taken from the records of above court in the above entitled case.

IN TESTIMONY WHEREOF I hereto set my hand and affix
the seal of the DISTRICT Court of Maryland
for Baltimore City
on this 9 day of APRIL, 2019


Signature of Clerk of Court / Administrative Clerk / County Clerk

MARY J. ABRAMS
Printed Name

9:55:33 Tuesday, April 09, 2019

APR 09,2019
TUESDAY

DISTRICT COURT OF MARYLAND
CRIMINAL SYSTEM INQUIRY CASE HISTORY DISPLAY

04/09/19
DIST: 01

CASE: 3B02191227 CR STATUS: C CHG DATE: 15/06/04 CC: 128I05704 DIST: 01 02
TRACKING NO: 12-6105-67871-6 LOCAL ID: DOC: SC ISSUED: 12/09/13
NAME: DAVIS, SHAKEEN DOB: 94/05/06 HT/WT: 511 140 SEX/RACE: M1
ADDR: DISP: TRL 15/05/27 CNSL: A DEF:
4130 EDMONDSON AVE EVENT DATE: TIME:
BALTIMORE MD 212290000 ROOM: TYPE: DATE SET:
DPAY: DUE: FINAL: SID: 0003577767 LIFESUPV:

TYPE DATE BATCH PREP DATE/ID C COMMENT

DOCI	120913		120913	1TB	1	SC	ISSUED 120913		
INIT	120913		120913	1TB	1	120913;00175000.00;HDOB;100;			;1294
ESCH	120913		120913	1TB		20121016;0830A;3			
CMIT	120913		120913	1TB		DEFENDANT COMMITTED;120913;BCJ			
KEYP	120914		120914	QCT		TRIAL KEYPOINT 11:04:32	REEL	999999	
BALR	120914		120914	QCT	1	120914;00000000.00;HWOB;100;			;934
CMIT	120914		120914	QCT		DEFENDANT COMMITTED;120914;BCJ;			
COMM	120920		120920	1IT		VERIFIED			
KEYP	121016		121016	1YJ		TRIAL KEYPOINT 09:32:46	REEL	999999	

NEXT PAGE

P/N

PAGE 001

JA6165

9:55:41 Tuesday, April 09, 2019

APR 09, 2019
TUESDAY

DISTRICT COURT OF MARYLAND
CRIMINAL SYSTEM INQUIRY CASE HISTORY DISPLAY

04/09/19
DIST: 01

CASE: 3B02191227 CR STATUS: C CHG DATE: 15/06/04 CC: 128I05704 DIST: 01 02
TRACKING NO: 12-6105-67871-6 LOCAL ID: DOC: SC ISSUED: 12/09/13
NAME: DAVIS, SHAKEEN DOB: 94/05/06 HT/WT: 511 140 SEX/RACE: M1
ADDR: DISP: TRL 15/05/27 CNSL: A DEF:
4130 EDMONDSON AVE EVENT DATE: TIME:
BALTIMORE MD 212290000 ROOM: TYPE: DATE SET:
DPAY: DUE: FINAL: SID: 0003577767 LIFESUPV:

TYPE DATE BATCH PREP DATE/ID C COMMENT

SCHG	150604	150604	M203	T TO C
COMM	150624	150624	1DQ	CHECK REQ DONE ON 6/24/15
COMM	170706	170706	1ZS	RECIEVED REQUEST FOR COPY OF FILE FROM U.S.
COMM	170706	170706	1ZS	PROBATION DEPT./FWD TO 01-02 FOR COMPLETION
COMM	180416	180416	1IR	VERIFIED FOR STRIPPING

NEXT PAGE

P/N

PAGE 012

JA6166

9:55:45 Tuesday, April 09, 2019

APR 09, 2019
TUESDAY

DISTRICT COURT OF MARYLAND
CRIMINAL SYSTEM INQUIRY CHARGE/DISPOSITION DISPLAY

04/09/19
DIST: 01

CASE: 3B02191227 CR STATUS: C CHG DATE: 15/06/04 CC: 128I05704 DIST: 01 02
TRACKING NO: 12-6105-67871-6 LOCAL ID: DOC: SC ISSUED: 12/09/13
NAME: DAVIS, SHAKEEN DOB: 94/05/06 HT/WT: 511 140 SEX/RACE: M1
ADDR: 4130 EDMONDSON AVE DISP: TRL 15/05/27 CNSL: A DEF:
BALTIMORE EVENT DATE: TIME:
MD 212290000 ROOM: TYPE: DATE SET:
DPAY: DUE: FINAL: SID: 0003577767 LIFESUPV:

CHARGE	DISPOSITION
001 HANDGUN ON PERSON	PLEA: NG DISP: G 12/11/01 ACS:
CJIS: 1 -5212 AR:	FINE:
AMENDED: MO/PLL:	SUSP FINE:
CAUSE: X VICTIM AGE:	COST: 22.50 SUSP COST: 22.50
	CICF: 35.00 SUSP CICF: 35.00
	PBJ END: PROB END: 14/11/01
INCIDENT DATE: 12/09/12 -	TERM: JAL 02/00/000 SUSP TERM: 02/00/000
12/09/12	CREDIT TIME SERV: REST:

NEXT PAGE

P/N

PAGE 013

JA6167

9:55:50 Tuesday, April 09, 2019

APR 09, 2019 DISTRICT COURT OF MARYLAND 04/09/19
TUESDAY CRIMINAL SYSTEM INQUIRY CHARGE/DISPOSITION DISPLAY DIST: 01

CASE: 3B02191227 CR STATUS: C CHG DATE: 15/06/04 CC: 128I05704 DIST: 01 02
TRACKING NO: 12-6105-67871-6 LOCAL ID: DOC: SC ISSUED: 12/09/13
NAME: DAVIS, SHAKEEN DOB: 94/05/06 HT/WT: 511 140 SEX/RACE: M1
ADDR: DISP: TRL 15/05/27 CNSL: A DEF:
4130 EDMONDSON AVE EVENT DATE: TIME:
BALTIMORE MD 212290000 ROOM: TYPE: DATE SET:
DPAY: DUE: FINAL: SID: 0003577767 LIFESUPV:

CHARGE	DISPOSITION
002 POSS OF FIREARM/AMMO/MINOR	PLEA: NG DISP: G 12/11/01 ACS:
CJIS: 1 -5285 AR:	FINE: SUSP FINE:
AMENDED: MO/PLL:	COST: SUSP COST:
CAUSE: X VICTIM AGE:	CICF: SUSP CICF:
	PBJ END: PROB END: 14/11/01
INCIDENT DATE: 12/09/12 -	TERM: JAL 02/00/000 SUSP TERM: 02/00/000
12/09/12	CREDIT TIME SERV: REST:

NEXT PAGE

P/N

PAGE 014

JA6168



PHOTO



yungmal

🕒 20w



112 likes



♥ Like



 Comment



IC84

CCB-16-0267



JA6169



shawn_treez

9w



15 likes

shawn_treez TREEZ, LOR CREAMS, MENACE

♥ Liked

💬 Comment

EXHIBIT NO. IC85

CASE NO. CCB-16-0267

IDENTIFICATION

ADMITTED

JA6170



GOVT. EXHIBIT NO. IND19
CASE NO. CCB-16-0267
IDENTIFICATION _____
ADMITTED _____

JA6171

Jail Call Transcript

Inmate: Sidney Fraizer (Inmate ID 2851685)
Dialed #: (443) 714-0982 (Shakeen Davis)
Date: July 1, 2015
Time: 18:22

(6:15)

FRAZIER: Oh – oh – oh you talking about – talking about PG?

DAVIS: Yeah.

FRAZIER: Oh – oh – oh w- he did some fuck shit?

DAVIS: Ya, he stole from around the way, man.

FRAZIER: Oh, with the plays, with the plays, with the plays.

DAVIS: Yeah, man, so I couldn't Kenny Bean too, man.

FRAZIER: Yeah – yeah – yeah. Yeah – yeah – yeah. I – I hollered at – I hollered at Nick right, you feel me, I'm like, "Yo" I'm like, "Yo what's up yo, you been going around the way for real?" He like – he like, "Yeah, dummy I been round there a couple times and hollered at niggas but I really fell back."

DAVIS: That nigga don't come around man.

FRAZIER: Right so I'm like yo what, I'm like "What you be doing?" He like, "I just be ducked off, you feel me?" He talking about yo, you come home do this, that, and the third for you. He gonna have to pay homage some type of way though, I think he know that for a fact.

DAVIS: Oh, yeah, what, well, he's only, (unintelligible) about that.

(7:28)

FRAZIER: Oh, you got your shit? You got the G35, shorty?

DAVIS: Yeah.

FRAZIER: You cutting up on the streets yo. What's up wit you, little daddy, yo.
[laughing] Yeah – yo – what's up with you, yo. What color your shit is?

EXHIBIT NO.	J-17T
CASE NO.	CCB-16-0267
IDENTIFICATION	
ADMITTED	

DAVIS: (Unintelligible) my shit, I gotta get... I did some dumb shit out of there, you feel me, so that motherfucker on the green tip now.

FRAZIER: What color it was?

DAVIS: It was a (unintelligible).

FRAZIER: Yeah. You cutting nothing, sure. Sure enough. You got the coup joint like, uh, Dorian had?

DAVIS: Yeah, I got the coup shit.

FRAZIER: Yeah, yo, already. Yeah that's what yo's got (unintelligible).

DAVIS: Shit.

FRAZIER: Sure enough, yo, that's what it is. All that walking shit. Niggas did enough of that.

DAVIS: Yeah, like two months.

FRAZIER: Nigga said two months.

DAVIS: It – no.

FRAZIER: All that walking up Rod shit and all that. And walking up Jack shit. That shit's dead.

DAVIS: Yeah. We used to do that, uh, walk around, hitting licks.

FRAZIER: That shit is dead, now. Thank you.

DAVIS: I used to walk. I aint' gonna lie, niggas used to walk everywhere

FRAZIER: Everywhere.

DAVIS: ...yeah.

FRAZIER: All of us. If you and Stephan wasn't walking down Rod shit, me and Jack...

DAVIS: I don't know who it was...

FRAZIER: ...we have so...

DAVIS: ...was all there.

FRAZIER: For real?

DAVIS: Yo, Yo. It must be. I don't know what's up wit ya'll.

Jail Call Transcript

Inmate: William Jones (Inmate ID 2739775)
Dialed #: (410) 762-9166 (Melvin Lashley)
Date: August 28, 2015
Time: 18:49

(1:29)

[Overlapping voices]

LASHLEY: [unintelligible] That for sho, that Mob already know. [laughs]

JONES: [unintelligible] [overlapping voices] Where the fuck my man Creams
Dinero at, man?

LASHLEY: He ridin' around with that shoulder strap, though, I don't know.

JONES: Oh, he still ridin' round with that motherfucking mop? [laughter] He gotta
stop.

LASHLEY: No, I'm fuckin with you, bro, nah, nah, he ain't doing shit, he chillin, yo.

JONES: He still coming out?

LASHLEY: Hell yeah.

EXHIBIT NO.	J-30T
CASE NO.	CCB-16-0267
IDENTIFICATION	
ADMITTED	

Service Instagram
Target 2051659744
Generated 2017-02-14 20:03:57 UTC
Date Range 2011-01-01 00:00:00 UTC to 2017-01-20 23:59:59 UTC
NCMEC
Cybertips

Name **First**

Registered wolfmobb@icloud.com
Email
Addresses

Vanity Name bgm_omnipotence

Registration 2015-05-04 15:39:11 UTC
Date

Registration Ip

Account **Account Still** true
Closure Date **Active**

Account Status History

Phone +14106220701 Unverified
Numbers

Ip Addresses

IP Address	2601:c9:0:b1:1555:a2e1:1fff:1f7d
Time	2017-01-17 02:38:42 UTC
Action	v1_profile_changed
IP Address	2601:c9:0:b1:b5c3:3dde:d96f:4de5
Time	2017-01-17 00:44:28 UTC
Action	v1_login
IP Address	2601:c9:0:b1:5c99:14fc:33bc:9d1
Time	2017-01-08 01:29:16 UTC
Action	v1_login
IP Address	2601:c9:0:b1:c16e:18df:2a5c:c449
Time	2016-11-23 23:02:13 UTC
Action	v1_login
IP Address	2601:c9:0:b1:dde:1ec4:701f:d0e8
Time	2016-11-22 00:55:56 UTC
Action	v1_login

GOVT. EXHIBIT NO. SM6
CASE NO. CCB-16-0267
IDENTIFICATION
ADMITTED



Photo Id: 1349225812755172118

Id 1349225812755172118

Taken 2016-09-28 10:57:52 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/14373938_1833251900238017_8529439956161003520_n.jpg?ig_cache_key=MTM0OTlyNTgxMjc1NTE3MjExOA%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 2601:147:1:6026:c9ba:8188:cea1:dd78

Is Published true

Shared By false

Author

Location

Feds indict 2 dozen for alleged gang activity in

- Dante Bailey, a/k/a "Gutta," "Almighty," and "Wolf," age 37, of Windsor Mill, Maryland;
- Dontray Johnson, a/k/a "Gambino," "Bino," and "Tray," age 31, of Windsor Mill;
- Adrian Jamal Spence, a/k/a "Spittle," "SP," and "AJ," age 29, of Baltimore;
- William Banks, a/k/a "Trouble," age 27, of Baltimore;
- Randy Banks, a/k/a "Dirt," age 38, of Baltimore;
- Ayinde Deleon, a/k/a "Murda," and "Yin," age 31, of Baltimore;
- Dominick Wedlock, a/k/a "Rage," and "Nick," age 29, of Baltimore;
- Jarmal Harrid, a/k/a "J-Rock," and "PJ," age 27, of Gwynn Oak;
- Jamal Smith, a/k/a "Mal," and "Lil Mal," age 25, of Gwynn Oak;
- Tiffany Bailey, a/k/a "Tiff," age 31, of Windsor Mill;
- Jamal Lockley, a/k/a "T-Roy," and "Droid," age 37, of Baltimore;
- Dwight Jenkins, a/k/a "Huggie," and "Unc," age 48, of Baltimore;
- Jacob Bowling, a/k/a "Jakey," "Ghost," and "Fred," age 30, of Gwynn Oak, Maryland;
- Corloyd Anderson, a/k/a "Bo," age 33, of Owings Mills, Maryland;
- Melvin Lashley, a/k/a "Menace," age 26, of Baltimore;
- Devon Dent, a/k/a "Tech," age 26, of Gwynn Oak;
- William Jones, a/k/a "Bill," and "Smalls," age 27, of Baltimore;
- Shakeen Davis, a/k/a "Creams," age 22, of Baltimore;
- Charles Blackwell, a/k/a "Ci-Bo," and "Lil Charlie," age 21, of Woodlawn, Maryland;
- Kenneth Torry, a/k/a "Kenny," age 39, of Owings Mills;

Photo Id: 1348917652853042364

Id 1348917652853042364

Taken 2016-09-28 00:45:36 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/14474436_312172389149131_1648135442903597056_n.jpg

Source iOS Library

Filter 0 - Normal

Upload Ip 2607:fb90:1340:2081:4559:7960:d078:232b

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Comments

Image



Photo Id: 1251123926798051296

Id 1251123926798051296

Taken 2016-05-16 02:26:56 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13109125_869151369896615_465435505_n.jpg

Source iOS Camera

Filter 0 - Normal

Upload Ip 66.87.80.16

Is Published true

Shared By

Author
false
Location
Comments
User bgm_omnipotence (2051659744) []
Id 17847512650119279
Date Created 2016-05-16 02:26:56 UTC
Text LOKK'd out on the VERSACE BLACK BLOOD TIP

Image

Photo Id: 1250964725102683911
Id 1250964725102683911
Taken 2016-05-15 21:10:37 UTC
Status 0 - Active



Photo Id: 1250468109954458628

Id 1250468109954458628

Taken 2016-05-15 04:43:56 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13181554_1153726594647848_486159917_a.jpg?ig_cache_key=MTI1MDQ2ODEwOTk1NDQ1ODYyOA%3D%3D.2

Source Unknown

Filter 0 - Normal

Upload Ip

Is Published true

Shared By false

Author

Location

Comments

Image



Photo Id: 1247800002299438356

Id 1247800002299438356

Taken 2016-05-11 12:22:53 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13181442_1102356403164331_705749796_n.jpg?ig_cache_key=MTI0NzgWMDAwMjI5OTQzODM1Ng%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.80.91

Is Published true

Shared By**Author** false**Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17858081725019163**Date Created** 2016-05-11 12:22:53 UTC**Text** FREE SPITTLE**User** uncledot_ (2159293279) [.]**Id** 17858081968019163**Date Created** 2016-05-11 12:35:56 UTC**Text** 100000**User** bgm_omnipotence (2051659744) []**Id** 17858082031019163**Date Created** 2016-05-11 12:39:51 UTC**Text** @sdotshit already**User** ts1__ykecomingnow (39634290) [shawnceazar]**Id** 17858082211019163**Date Created** 2016-05-11 12:49:34 UTC**Text** #spittledaboss**Image**

Author

false

**Location
Comments****User** bgm_omnipotence (2051659744) []**Id** 17856895405012666**Date Created** 2016-05-11 00:14:04 UTC**Text** #almightylife👍👍👍👍👍**User** juu_c_mebish (522198268) [Juu Mebish]**Id** 17857919392012666**Date Created** 2016-06-14 02:16:06 UTC**Text** Was up With you??

☆☆☆✓100✓👍👍👍

Image

Photo Id:

1247318460456379655

Id 1247318460456379655**Taken** 2016-05-10 20:26:09 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13129780_1700344133548502_1465912571_n.jpg**Source** iOS Library**Filter** 0 - Normal**Upload Ip** 66.87.82.253**Is Published** true**Shared By** false**Author****Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17848255021077626**Date Created** 2016-05-10 20:26:09 UTC**Text** Did it for the gang**User** dboimusic_dbm (251434475) [BiG_Dboi]**Id** 17848266343077626**Date Created** 2016-05-11 03:27:26 UTC**Text** ☐☐✓**Image**



Photo Id: 1247316297260868767

Id 1247316297260868767

Taken 2016-05-10 20:21:51 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13102368_1019351361487350_142204277_n.jpg?ig_cache_key=MTI0NzIxNzI2MDg2ODc2Nw%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.82.253

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []
Id 17847325378128550
Date Created 2016-05-10 20:21:51 UTC
Text U already. This for my flow over from yesterday.

Image

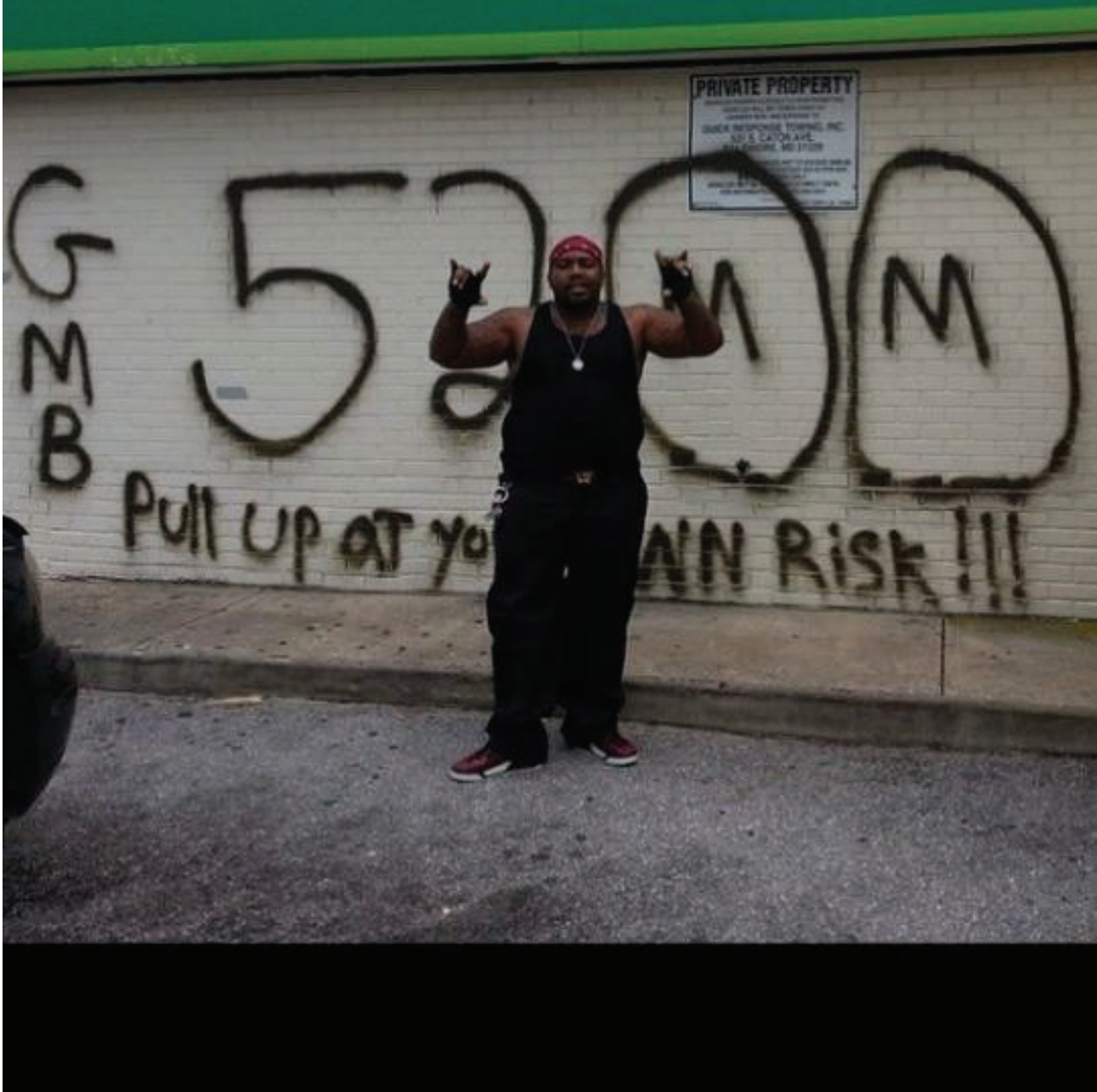


Photo Id: 1247315302237742197
Id 1247315302237742197
Taken 2016-05-10 20:19:52 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s480x480/e35/13129309_234115116954236_2054126625_n.jpg?ig_cache_key=MTI0NzIxNTMwMjIzNzc0MjE5Nw%3D%3D.2

Source iOS Library
Filter 0 - Normal
Upload Ip 66.87.82.253
Is Published true
Shared By false
Author
Location
Comments

User bgm_omnipotence (2051659744) []
Id 17847431647095609
Date Created 2016-05-10 20:19:52 UTC
Text That's wut it's always gon b
GMB1•0•0•0• #almightylife✓✓✓✓

Image

GMB1•0•0•0• #almightylife ☆
☆ ☆ ✓✓100✓✓✓✓



Photo Id: 1242280110464837474

Id 1242280110464837474

Taken 2016-05-03 21:35:51 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13118181_1569932919970600_1500240087_n.jpg

Source iOS Camera

Filter 112 - Clarendon

Upload Ip 66.87.81.83

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []



Photo Id: 1241659758491608829

Id 1241659758491608829

Taken 2016-05-03 01:03:19 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13129265_957449761036983_1039821867_n.jpg?ig_cache_key=MTI0MTY1OTc1ODQ5MTYwODgyOQ%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.82.53

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []
Id 17856924466063720
Date Created 2016-05-03 01:03:19 UTC
Text DAM I MISS MY DOGG. RIDE IN HELL BROTHER. ILL B THERE 1 day.
□□□□□□□□□□

User bgm_omnipotence (2051659744) []
Id 17856941503063720
Date Created 2016-05-03 13:35:37 UTC
Text @secret_society_diddy

🔥🔥🔥🌊🌊 100100100

User secret_society_diddy (2105388825) [secret society Diddy]
Id 17856941554063720
Date Created 2016-05-03 13:38:38 UTC
Text For sure homes, that's my man. I thought he was still in the bing. I see you working FAM. Keep grinding...

User lilblacktheceo (190234932) [levardis mclaughlin]
Id 17857253677063720
Date Created 2016-05-13 19:17:05 UTC
Text @5almighty_gang2 dam i aint knw dummy was gone fuck no dam

User boogielex800 (32888173) [Boogie]
Id 17857607344063720
Date Created 2016-05-26 03:03:49 UTC
Text Damn my nigga Fish #oneoftherealestniggasIEver Meant
@bgm_omnipotence

Image

Comments

```
User bgm_omnipotence (2051659744) []
Id 17855822404040226
Date Created 2016-05-01 22:04:41 UTC
Text WORKIN ON MY WHIP GAME
```

Image

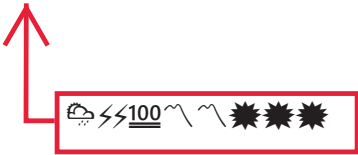


Photo Id: 1240674826164250355
Id 1240674826164250355
Taken 2016-05-01 16:26:26 UTC
Status 0 - Active
Url [http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13098908_687537271386051_1114083291_n.jpg?ig_cache_key=MTI0MDY3NDgyNjE2NDI1MDM1NQ%](http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13098908_687537271386051_1114083291_n.jpg?ig_cache_key=MTI0MDY3NDgyNjE2NDI1MDM1NQ%3D)

3D%3D.2
Source iOS Library
Filter 0 - Normal
Upload Ip 66.87.83.150
Is Published true
Shared By false
Author
Location
Comments

User bgm_omnipotence (2051659744) []
Id 17855931271049702
Date Created 2016-05-01 16:26:26 UTC
Text If u recognize this. THE TIME HAS COME FOR HAIRCUTZ.
OPERATION: MOOKIEWORLD☹>☹☹☹☹☹☹☹☹

Image



Comments

User bgm_omnipotence (2051659744) []
Id 17858411572009038
Date Created 2016-04-27 23:59:50 UTC
Text GUTTA BABBY KEEP THESE BITCHES GOING CRAZY

User bgm_omnipotence (2051659744) []
Id 17858411602009038
Date Created 2016-04-28 00:00:54 UTC
Text @scootaupnext

User bgm_omnipotence (2051659744) []
Id 17858411608009038
Date Created 2016-04-28 00:01:10 UTC
Text @1ewoopexuberant

User 1ewoopexuberant (261319068) [EW PEXUBERANT]
Id 17858411656009038
Date Created 2016-04-28 00:05:16 UTC
Text LAEMM 4life

Image

LAEMM
4life
~\G~



Photo Id: 1238001657729132528
Id 1238001657729132528
Taken 2016-04-27 23:55:19 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s320x320/e35/13117801_1540484766253210_1304930311_n.jpg?ig_cache_key=MTIzODAwMTY1NzcyOTEzMjUyOA%3D%3D.2
Source iOS Library
Filter 0 - Normal
Upload Ip 66.87.81.79
Is Published true
Shared By false
Author
Location

Comments

User bgm_omnipotence (2051659744) []
Id 17847070639124397
Date Created 2016-04-27 23:55:19 UTC
Text FREE SPITTLE & SMALLZ

User konandagreat (1441870377) [konan]
Id 17847071116124397
Date Created 2016-04-28 00:29:49 UTC
Text Free da guys #g b1 0 0 0 0

User slickk_t (322089332) [Lor Slickk Nigga //]
Id 17849038672124397
Date Created 2016-07-06 02:56:29 UTC
Text #freemyhood miss them days out widd y'all onna block ♡ #5200
#fdp

Image



Photo Id: 1237736832889398981

Id 1237736832889398981

Taken 2016-04-27 15:09:10 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e35/12965751_1733207930285665_906224445_n.jpg?ig_cache_key=MTIzNzczNjgzMjg4OTM5ODk4MQ%3D%3D.2

Source iOS Library

Filter 613 - Juno

Upload Ip 66.87.82.242

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

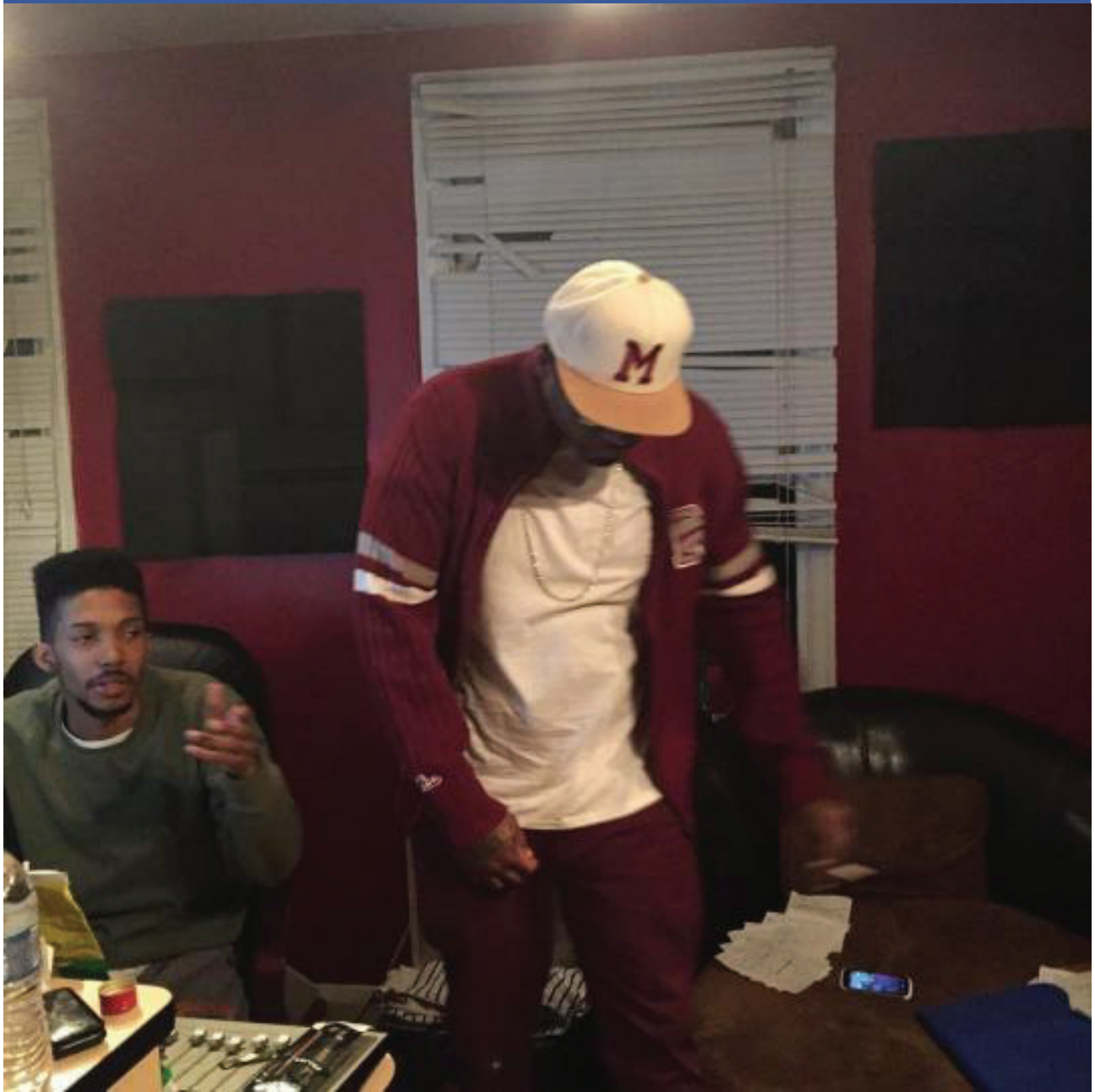


Photo Id: 1237736255728002748

Id 1237736255728002748

Taken 2016-04-27 15:08:01 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/13108912_672318999573843_143546613_n.jpg?ig_cache_key=MTIzNzczNjI1NTcyODAwMjc0OA%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.82.242


Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []
Id 17856229531023610
Date Created 2016-04-27 15:08:01 UTC
Text These[] R 4EVER 

User nursebetty_ (25062821) [CRYSTAL[]]
Id 17856229765023610
Date Created 2016-04-27 15:20:18 UTC
Text Champagne

User blazesolitty104 (144392576) [Team Litty[] RH[] cMGB[]k B-More]
Id 17856230170023610
Date Created 2016-04-27 15:40:42 UTC
Text M'z up fool

Image



Photo Id: 1237734758487303813

Id 1237734758487303813

Taken 2016-04-27 15:05:02 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12976168_1601465226838659_1726926151_n.jpg?ig_cache_key=MTIzNzczNDc1ODQ4NzMwMzgXMw%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.82.242

Is Published true

Shared By false

Author

Location



Photo Id: 1235059144286414032

Id 1235059144286414032

Taken 2016-04-23 22:29:04 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12599196_272109329798378_1109760764_n.jpg?ig_cache_key=MTIzNTA1OTE0NDI4NjQxNDZMg%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.80.247

Is Published true

Shared By false

Author

Location

JA6201



Photo Id: 1234826795598620633

Id 1234826795598620633

Taken 2016-04-23 14:47:26 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12940834_475048776024476_48591999_n.jpg?ig_cache_key=MTIzNDgyNjc5NTU5ODYyMDYzMw%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.83.229

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []
Id 17856610480060106
Date Created 2016-04-23 14:47:26 UTC
Text SHOTOUT CREAM\$ DINERO□□□□□□□□

User bgm_omnipotence (2051659744) []
Id 17856610525060106
Date Created 2016-04-23 14:49:53 UTC
Text @creams_dinero

~ ~ 100100 \$ \$

Image



Photo Id: 1234586103836190053



Photo Id: 1233658888613144549

Id 1233658888613144549

Taken 2016-04-22 00:07:01 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12918516_1032080886846508_1323070466_n.jpg

Source iOS Camera

Filter 0 - Normal

Upload Ip 66.87.82.38

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id

17846844799111548

Date Created 2016-04-22 00:07:01 UTC**Text** TRAP LIFE IG I MISS YA**User** bgm_omnipotence (2051659744) []**Id** 17846844838111548**Date Created** 2016-04-22 00:08:19 UTC**Text** @uncle_dot_ ALMIGHTY GANG GMB 100000**User** uncledot_ (2159293279) [.]**Id** 17846845570111548**Date Created** 2016-04-22 00:52:05 UTC**Text** 10000000GODFATHER G.~.B.**Image**

10000000GOD
FATHER G.~.B.

Comments

User bgm_omnipotence (2051659744) []
Id 17849938972066949
Date Created 2016-04-20 00:55:09 UTC
Text TRIANGLE OFFENSE

Image



GUTTA ALMIGHTY TCGMG 5200 X INTRO
DIR BY E\$COOL

26 views



TCGMG Music
3 subscribers



Photo Id: 1232196306152859222
Id 1232196306152859222
Taken 2016-04-19 23:41:07 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12965223_1695662200698346_286240739_n.jpg?ig_cache_key=MTIzMjE5NjMwNjE1Mjg1OTlyMg%3D



Photo Id: 1231195400363975680

Id 1231195400363975680

Taken 2016-04-18 14:32:30 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12519411_1674146039502198_703649468_n.jpg?ig_cache_key=MTIzMTE5NTQwMDM2Mzk3NTY4MA%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.83.159

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []
Id 17856851131045847
Date Created 2016-04-18 14:32:30 UTC
Text LONGLIVE 5200 I started this 5200 GMB SHIT 2002

User uncledot_ (2159293279) [.]
Id 17856883279045847
Date Created 2016-04-19 17:23:43 UTC
Text 1000000

Image



Photo Id: 1231173294377018711

Source iOS Camera
Filter 0 - Normal
Upload Ip 66.87.83.184
Is Published true
Shared By false
Author
Location
Comments
User bgm_omnipotence (2051659744) []
Id 17847305692077433
Date Created 2016-04-14 03:19:31 UTC
Text DAVO BEATZ

Image





Photo Id: 1227494935126222448

Id 1227494935126222448

Taken 2016-04-13 12:00:20 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12940215_578638522296512_1074770507_n.jpg?ig_cache_key=MTIyNzQ5NDkzNTEyNjlyMjQ0OA%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.83.109

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []
Id 17846651020084398
Date Created 2016-04-13 12:00:20 UTC
Text YALL READY FOR THE TAKEOVER. [] [] [] []

User trouble5200 (1832987656) [trouble5200 [] [] [] [] []]
Id 17846653420084398
Date Created 2016-04-13 13:30:29 UTC
Text Yup


 100

Image



Photo Id: 1226776214501992074

Id 1226776214501992074
Taken 2016-04-12 12:12:22 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12599448_1171682909510199_2048796528_n.jpg?ig_cache_key=MTIyNjc3NjlxNDUwMTk5MjA3NA%3D%3D.2
Source iOS Library
Filter 0 - Normal
Upload Ip 66.87.82.52
Is Published true
Shared By false
Author
Location
Comments

User bgm_omnipotence (2051659744) []
Id 17846531068123090
Date Created 2016-04-12 12:12:22 UTC
Text Early morning MONEY. Getting to it

User _lilchop (339059252) []
Id 17846571658123090
Date Created 2016-04-14 06:13:37 UTC
Text U didnt never lie to man of ya word ima try link wit u tomar bro @2_gmg

User bgm_omnipotence (2051659744) []
Id 17846571676123090
Date Created 2016-04-14 06:14:54 UTC
Text Say no more☐☐

User bgm_omnipotence (2051659744) []
Id 17846571685123090
Date Created 2016-04-14 06:15:30 UTC
Text @_lilchop

Image



Photo Id: 1225439628799648854

Id 1225439628799648854

Taken 2016-04-10 15:56:49 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12383229_226534011038641_1074460560_n.jpg?ig_cache_key=MTIyNTQzOTYyODc5OTY0ODg1NA%3D%3D.2

Source iOS Camera

Filter 17 - Mayfair

Upload Ip 66.87.80.179

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []
Id 17855124037063101
Date Created 2016-04-10 15:56:49 UTC
Text EVERYTHING STILL RED

User bgm_omnipotence (2051659744) []
Id 17855124064063101
Date Created 2016-04-10 15:57:29 UTC
Text Shotout to BADGUY

Image

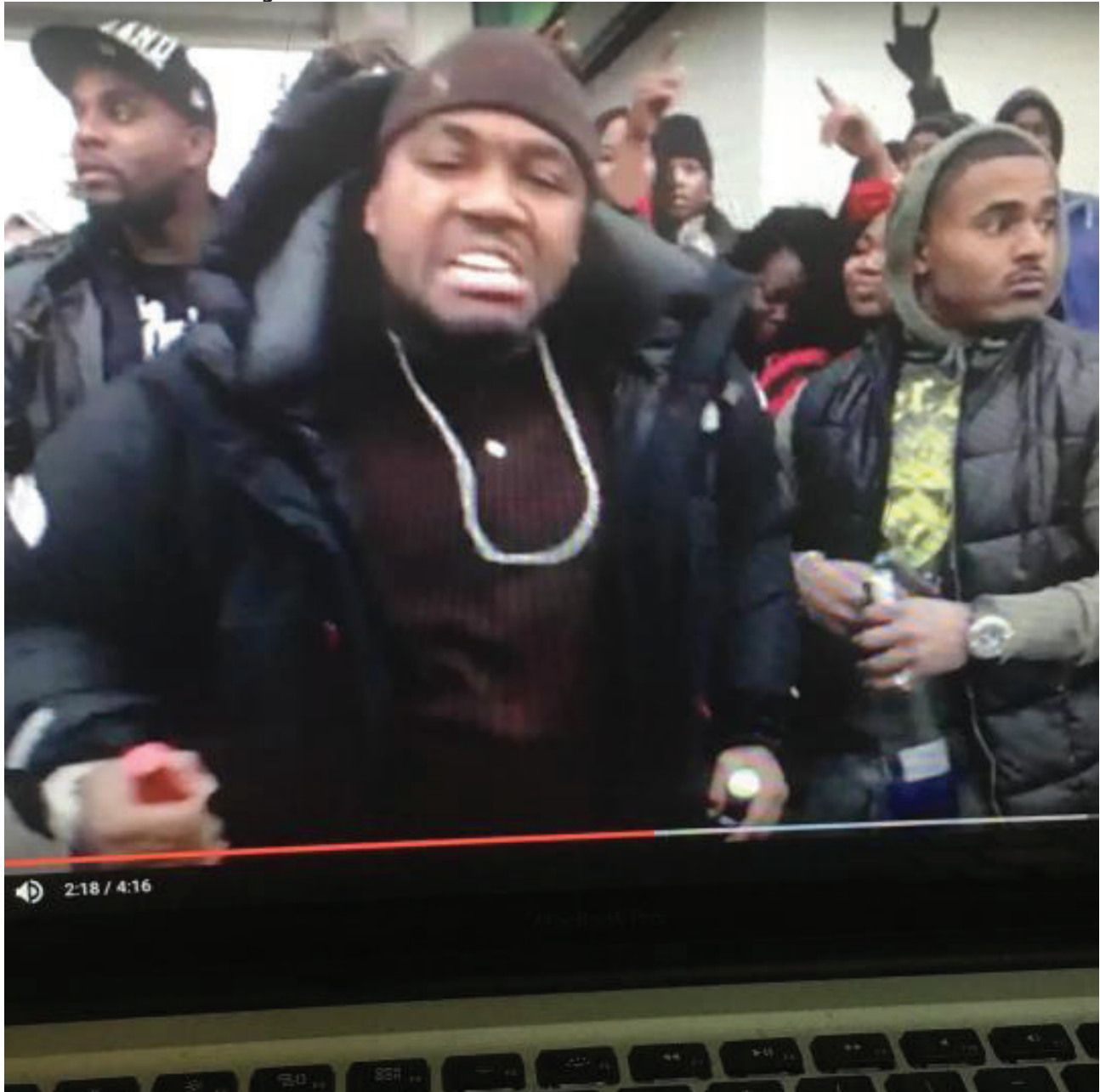


Photo Id: 1224992683203372495

Id 1224992683203372495
Taken 2016-04-10 01:08:49 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12960180_146733932389908_1705743495_n.jpg?ig_cache_key=MTIyNDk5MjY4MzlwMzM3MjQ5NQ%3D%3D.2
Source iOS Library
Filter 0 - Normal
Upload Ip 108.97.28.33
Is Published true
Shared By false
Author
Location
Comments

User bgm_omnipotence (2051659744) []
Id 17849613277066661
Date Created 2016-04-10 01:08:49 UTC
Text When my right hand was my man and the left one brought DEATH

User badgurlofbmore (228202415) [TATTED UP CALL ME DESIGNER!!!]
Id 17849618548066661
Date Created 2016-04-10 06:40:57 UTC
Text FREE GAMBINO

Image

Id

17846535919128167

Date Created 2016-04-09 13:22:11 UTC**Text** Got me**User** uncledot_ (2159293279) [.]**Id** 17846538535128167**Date Created** 2016-04-09 14:57:02 UTC**Text** 100000**Image****Photo Id:** 1224137159884809566**Id** 1224137159884809566



Photo Id: 1222991855424775669

Id 1222991855424775669

Taken 2016-04-07 06:53:31 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12918575_215530668820842_858044923_n.jpg?ig_cache_key=MTIyMjk5MTg1NTQyNDc3NTY2OQ%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.82.165

Is Published true

Shared By false

Author

Location

Id

17847136213079772

Date Created 2016-04-07 06:42:24 UTC**Text** I might cop a masi**Image****Photo Id:** 1222487599680726886**Id** 1222487599680726886**Taken** 2016-04-06 14:11:39 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12479090_207291959649187_1707355043_n.jpg**Source** iOS Library

Filter 0 - Normal
Upload Ip 66.87.80.194
Is Published true
Shared By false
Author
Location
Comments **User** bgm_omnipotence (2051659744) []
Id 17846455873087768
Date Created 2016-04-06 14:11:39 UTC
Text \$1000000 nigga

Image





Photo Id: 1222248869510391442

Id 1222248869510391442

Taken 2016-04-06 06:17:21 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/917596_1558451451114560_1771885056_n.jpg

Source iOS Camera

Filter 0 - Normal

Upload Ip 66.87.83.110

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id

17857639342052335

Date Created 2016-04-06 06:17:21 UTC**Text** Double □□□□□□**Image****Photo Id:** 1222242601181783583**Id** 1222242601181783583**Taken** 2016-04-06 06:04:53 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/12230979_205067599874245_906027006_n.jpg?ig_cache_key=MTIyMjlOMjYwMTE4MTc4MzU4Mw%3D%3D.2



Photo Id: 1156962179921618070

Id 1156962179921618070

Taken 2016-01-07 04:24:21 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e35/12446237_1700142896898056_284738827_n.jpg?ig_cache_key=MTE1Njk2MjE3OTkyMTYxODA3MA%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 69.143.198.223

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id

17844589879077336

Date Created 2016-01-07 04:24:21 UTC

Text A lot of nigga scream that u real but I only came across a few and this is one SCREAMING FREE MY LIL BROTHER NOW SHIT AIN'T THE SAME WITHOUT U □□□□□□□□□□□□□□

User djmanny1200 (20980376) [djmanny1200]

Id 17844589957077336

Date Created 2016-01-07 04:32:26 UTC

Text ☐ ☒ ☐

Image



Photo Id:

1156954545592084473

Id 1156954545592084473**Taken** 2016-01-07 04:09:11 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e35/12501746_942858299115623_1123373981_n.jpg?ig_cache_key=MTE1Njk1NDU0NTU5MjA4NDQ3Mw%3D%3D.2**Source** iOS Library**Filter** 0 - Normal**Upload Ip** 69.143.198.223**Is Published** true**Shared By** false**Author****Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17843922403089623**Date Created** 2016-01-07 04:09:11 UTC**Text** MAFIA MY ALL FAMILY I AM**Image****Photo Id:** 1156954081643341806**Id** 1156954081643341806**Taken** 2016-01-07 04:08:15 UTC**Status** 0 - Active



Photo Id: 1152947229695812838

Id 1152947229695812838

Taken 2016-01-01 15:27:21 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/10727735_1674414032839402_471403783_n.jpg

Source iOS Library

Filter 0 - Normal

Upload Ip 50.153.191.29

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id

17852767972059238

Date Created 2016-01-01 15:27:21 UTC

Text Mind is the master power that molds and makes. Man is mind and ever more he take. With the tools of thought, shaping what he will brings forth and thousands joys or a thousand ills he thinks in secret and it comes to past the environment is nothing but his looking glass.

Image**Photo Id:** 1152943957677319216**Id** 1152943957677319216**Taken** 2016-01-01 15:20:51 UTC



Photo Id: 1152940698476619692

Id 1152940698476619692

Taken 2016-01-01 15:14:23 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e35/923989_1520430221619184_1912590679_n.jpg?ig_cache_key=MTE1Mjk0MDY5ODQ3NjYxOTY5Mg%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 50.153.191.29

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id 17852316886048700

Date Created 2016-01-01 15:14:23 UTC

Text They say I was laughing when u got killed. How soon they forget how they all left u be hide that house when u got shot weeks

before. I lifted u up with my own hands, told u out of my own mouth, SHAKE THAT SHIT OFF. You stood up and walked next to me shoot. I put u in that car and sent u to the hospital. I DID THAT. I don't need any credit for nothing I've done. I laugh and make people cry later. I got your back even when u dead. EMM ARE FOREVER

User trouble5200 (1832987656) [trouble5200]

Id 17852335945048700

Date Created 2016-01-03 01:00:41 UTC

Text Damn woe u one of the realest that was bred out of this cruddy fucked up beautiful city we from @2_gmg can't wait till u shine

Image



Photo Id:

1152936183442581254

Id 1152936183442581254**Taken** 2016-01-01 15:05:25 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e35/1515265_1664861400463173_531015841_n.jpg?ig_cache_key=MTE1MjkzNjE4MzQ0MjU4MTI1NA%3D%3D.2**Source** iOS Library**Filter** 0 - Normal**Upload Ip** 50.153.191.29**Is Published** true**Shared By** false**Author****Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17853155077028372**Date Created** 2016-01-01 15:05:25 UTC**Text** 5 LAWS never hate, never steal, ride hard, never snitch, and die hard. 2 RULES get money or get lost in your own brain sauce. 5deuce life**Image**



Photo Id: 1152933482822510226

Id 1152933482822510226

Taken 2016-01-01 15:00:03 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/10009335_1548480928809012_1585114747_n.jpg?ig_cache_key=MTE1MjkzMzQ4MjgyMjUxMDIyNg%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 50.153.191.29

Is Published true

Shared By false

Author

Location

Id

17843778970104995

Date Created 2015-12-28 01:11:21 UTC**Text** #5200 TCGMG ONLY THE REAL CAN UNDERSTAND □□□□□□□□**Image****Photo Id:** 1149616217981068392**Id** 1149616217981068392**Taken** 2015-12-28 01:09:14 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e35/12393666_568185936668057_1162653692_n.jpg?ig_cache_key=MTE0OTYxNjlxNzk4MTA2ODM5Mg%3D%3D.2**Source** iOS Library

Filter

0 - Normal

Upload Ip 69.143.198.223**Is Published** true**Shared By** false**Author****Location****Comments****Image****Photo Id:** 1105244792432502408**Id** 1105244792432502408**Taken** 2015-10-27 19:51:08 UTC**Status** 0 - Active

Id

17846379106067745

Date Created 2015-10-27 19:42:53 UTC**Text** The wait is almost over TCGMG it will never end**Image****Photo Id:** 1084330051564610629**Id** 1084330051564610629**Taken** 2015-09-28 23:17:16 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e35/11939697_1500775020232681_129280243_n.jpg?ig_cache_key=MTA4NDMzMDA1MTU2NDYxMDYyOQ%3D%3D.2**Source** iOS Library

Id

17842525999067745

Date Created 2015-09-26 18:14:32 UTC**Text** □□□□□□□□**Image****Photo Id:** 1080572585349621187**Id** 1080572585349621187**Taken** 2015-09-23 18:51:51 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11906318_1046541225378652_914042196_n.jpg?ig_cache_key=MTA4MDU3MjU4NTM0OTYyMTE4Nw%3D%3D.2



Photo Id: 1076996238417208725

Id 1076996238417208725

Taken 2015-09-18 20:26:18 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e35/11918021_313686035421718_649284879_n.jpg?ig_cache_key=MTA3Njk5NjlzODQxNzlwODcyNQ%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 73.39.3.109

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Image



Photo Id: 1071813866528843287

Id 1071813866528843287

Taken 2015-09-11 16:49:51 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e35/11875292_419389421602153_1876523603_n.jpg?ig_cache_key=MTA3MTgxMzg2NjUyODg0Mzl4Nw%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.80.224

Is Published true

Shared By false

Author



Photo Id: 1071803521370301641

Id 1071803521370301641

Taken 2015-09-11 16:29:18 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e35/11918059_149770585365975_36688048_n.jpg?ig_cache_key=MTA3MTgwMzUyMTM3MDMwMTY0MQ%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.80.224

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []



Photo Id: 1068124768928671457

Id 1068124768928671457

Taken 2015-09-06 14:40:16 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11337229_1464906477149526_293195810_n.jpg?ig_cache_key=MTA2ODEyNDc2ODkyODY3MTQ1Nw%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.83.1

Is Published true

Shared By false

Author

Location

Image



Photo Id: 1066963825192478316

Id 1066963825192478316

Taken 2015-09-05 00:13:41 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e35/11850377_1469553923371388_1660321313_n.jpg?ig_cache_key=MTA2Njk2MzgyNTE5MjQ3ODMxNg%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.81.253

Is Published true

Shared By false

Author

Location
Comments

User bgm_omnipotence (2051659744) []
Id 17846315668067745
Date Created 2015-09-05 00:13:41 UTC
Text All I can say is FREE MY NIGGAS MAN WE ALL WE GOT #TCGMG

Image



Photo Id: 1066961882818684462
Id 1066961882818684462
Taken 2015-09-05 00:09:49 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11887159_825804507517755_414692966_n.jpg?ig_cache_key=MTA2Njk2MTg4MjgxODY4NDQ2Mg%3

D%3D.2
Source iOS Library
Filter 0 - Normal
Upload Ip 66.87.81.253
Is Published true
Shared By false
Author
Location
Comments
User bgm_omnipotence (2051659744) []
Id 17846315650067745
Date Created 2015-09-05 00:09:49 UTC
Text Still holding strong #TCGMG []

User therealjojodancer (1161337548) [therealjojodancer]
Id 17849275015067745
Date Created 2016-03-29 20:06:06 UTC
Text My G! []

Image

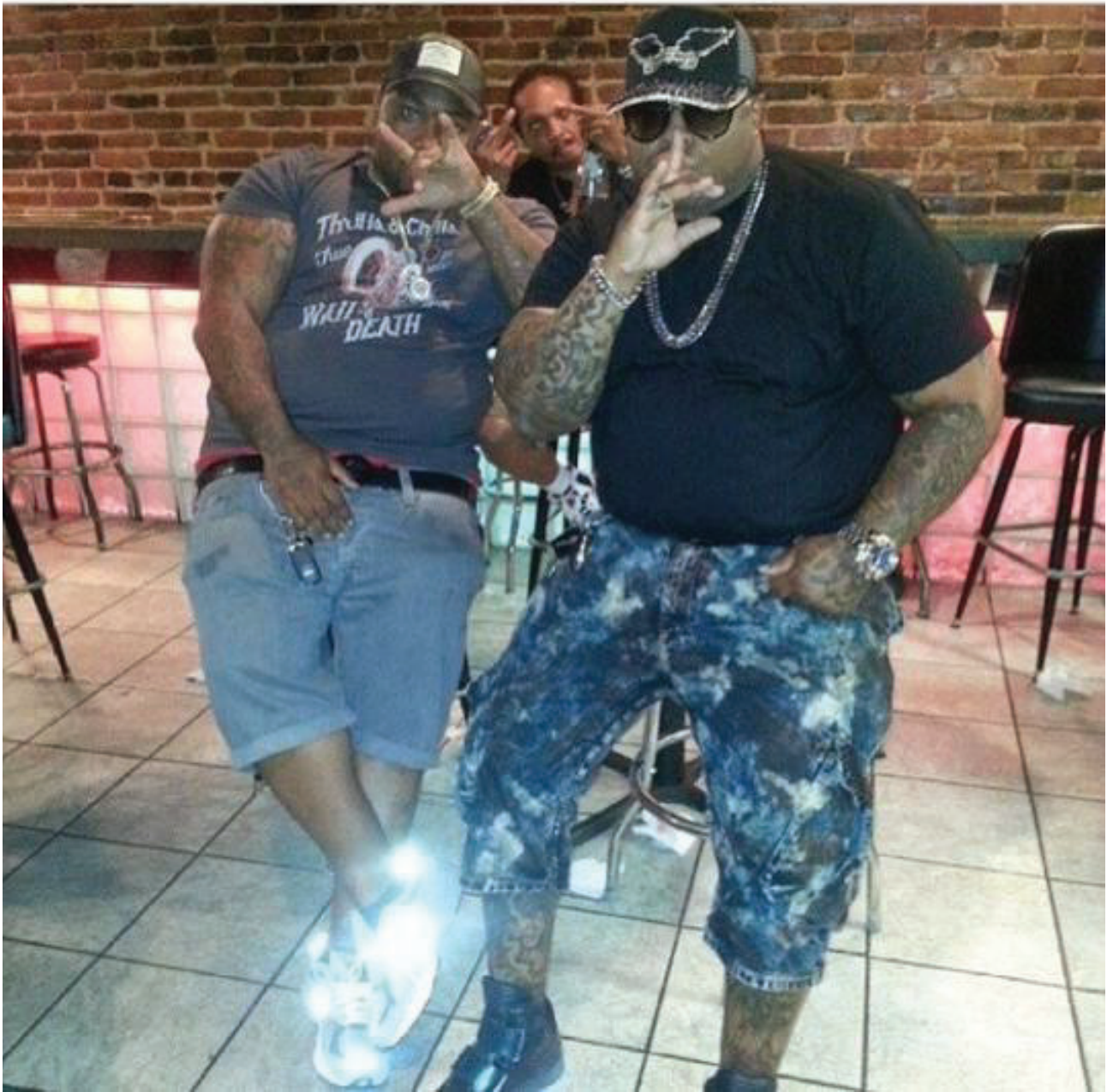


Photo Id: 1066904638328546558

Id 1066904638328546558

Taken 2015-09-04 22:16:05 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s480x480/e35/11324419_759479654163511_205413864_n.jpg?ig_cache_key=MTA2NjkwNDYzODMyODU0NjU1OA%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.83.47

Is Published true

Shared By false

Author

Location

Author
false
Location
Comments
User bgm_omnipotence (2051659744) []
Id 17846302867067745
Date Created 2015-09-01 21:41:37 UTC
Text SEPT 18 #TCGMG HIT US FOR TICKETS

Image

Photo Id: 1064692503468975163
Id 1064692503468975163
Taken 2015-09-01 21:00:58 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/e35/11375335_1675791372653456_75185831_n.jpg?ig_cache_key=MTA2NDY5MjUwMzQ2ODk3NTE2Mw%3D%3D.2
Source Android Library
Filter 0 - Normal
Upload Ip 172.56.3.156



Photo Id: 1062943429493401399

Id 1062943429493401399

Taken 2015-08-30 11:05:52 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e35/11850100_1466743683654235_483841880_n.jpg?ig_cache_key=MTA2Mjk0MzQyOTQ5MzQwMTM5OQ%3D%3D.2

Source Android Library

Filter 0 - Normal

Upload Ip 172.56.2.70

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id 17846290864067745

Date Created 2015-08-30 11:05:52 UTC

Text They cant hold a real one down or back #TCGMG it's a movement

Comments

User bgm_omnipotence (2051659744) []
Id 17846170900067745
Date Created 2015-07-29 00:00:19 UTC
Text From Chelsea up to Windsor mill & forest park□□□□

Image



Photo Id: 1039248634006873324
Id 1039248634006873324
Taken 2015-07-28 18:28:33 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11374624_1473367199645280_877457875_n.jpg?ig_cache_key=MTAzOTI0ODYzNDANjg3MzMzMyNA%3D

Comments

User bgm_omnipotence (2051659744) []
Id 17846167801067745
Date Created 2015-07-27 17:23:23 UTC
Text YES WE SUFFER SCRAPES AND BRUISES. ACCORDING WE SURVIVE,
we grow STRONG. 5200 boys □□□□□

Image

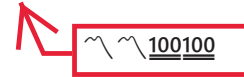


Photo Id: 1038476274198783641
Id 1038476274198783641
Taken 2015-07-27 16:54:00 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11355958_8284

75697247632_978689603_n.jpg?ig_cache_key=MTAzODQ3NjI3NDE5ODc4MzY0MQ%3D%3D.2

Source iOS Library
Filter 0 - Normal
Upload Ip 66.87.83.113
Is Published true
Shared By false
Author
Location
Comments

User bgm_omnipotence (2051659744) []
Id 17846167753067745
Date Created 2015-07-27 16:54:00 UTC
Text BLACK BLOOD BROTHERHOOD □□□□□

User zan_grizzly (1947341112) [Free_nizzy]
Id 17846167765067745
Date Created 2015-07-27 16:55:50 UTC
Text Yo wassup @2_gmg

~ ~ 100100

Image



Photo Id: 1037309851040622093

Id 1037309851040622093

Taken 2015-07-26 02:16:32 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11280468_1593068684287599_954912628_n.jpg?ig_cache_key=MTAzNzMwOTg1MTA0MDYyMjA5Mw%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.83.62

Is Published true

Shared By false

Author

Location



Photo Id: 1033845219747570808

Id 1033845219747570808

Taken 2015-07-21 07:32:55 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11375152_895531730523097_445598470_n.jpg?ig_cache_key=MTAzMzg0NTIxOTc0NzU3MDgwOA%3D%3D.2

Source iOS Camera

Filter 614 - Reyes

Upload Ip 66.87.81.186

Is Published true

Shared By false

Author

Location



Photo Id: 1032182461712967189

Id 1032182461712967189

Taken 2015-07-19 00:29:19 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/10725192_1641841292698443_11357239_n.jpg?ig_cache_key=MTAzMjE4MjQ2MTcxMjk2NzE4OQ%3D%3D.2

Source iOS Camera

Filter 0 - Normal

Upload Ip 66.87.81.26

Is Published true

Shared By false

Author

Location



Photo Id: 1030038964675421787

Id 1030038964675421787

Taken 2015-07-16 01:30:34 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/10949058_1615926602025360_1852706189_n.jpg

Source iOS Camera

Filter 0 - Normal

Upload Ip 66.87.81.6

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id 1029844117461018075
Taken 2015-07-15 19:03:27 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11386455_922534584451396_1795924093_n.jpg?ig_cache_key=MTAyOTg0NDExNzQ2MTAxODAxODQ3NQ%3D%3D.2
Source iOS Camera
Filter 0 - Normal
Upload Ip 66.87.81.255
Is Published true
Shared By false
Author
Location
Comments

User bgm_omnipotence (2051659744) []
Id 17846136703067745
Date Created 2015-07-15 19:03:27 UTC
Text I FEEL LIK BEING ☐☐<☐☐☐☐DY TODAY☐☐☐☐☐☐

User 5200chi (210326564) [Chi Chi Mendoza]
Id 17846136913067745
Date Created 2015-07-15 19:43:04 UTC
Text Heart beat

User bgm_omnipotence (2051659744) []
Id 17846137147067745
Date Created 2015-07-15 20:47:13 UTC
Text Still @5200chi

User bgm_omnipotence (2051659744) []
Id 17846137150067745
Date Created 2015-07-15 20:47:55 UTC
Text @2_gmg @5200chi double time

B<OOOY
TODAY100👉.

Image

Comments

User bgm_omnipotence (2051659744) []
Id 17846132326067745
Date Created 2015-07-14 15:09:02 UTC
Text Sometimes we gotta lose a soljah bcuz a lesson needs to b taught.
No matter wut, this bond is solidified. FREE CRAZY

Image

Photo Id: 1027267435961132170
Id 1027267435961132170
Taken 2015-07-12 05:44:02 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11420737_1656

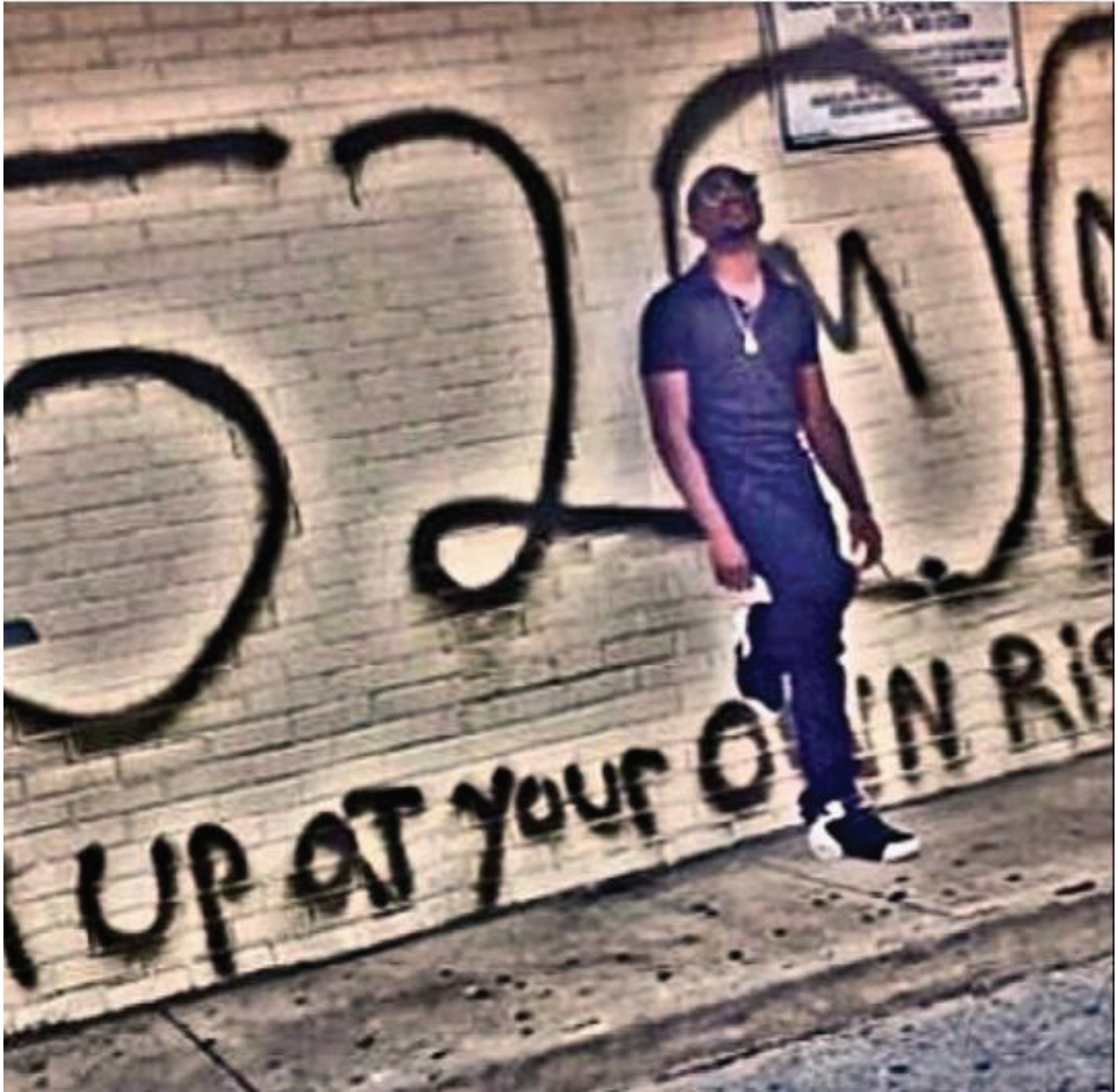


Photo Id: 1026176343006127419

Id 1026176343006127419

Taken 2015-07-10 17:36:14 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/891453_446931422160114_377179720_n.jpg

Source iOS Library

Filter 0 - Normal

Upload Ip 66.87.82.60

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id

17846124847067745

Date Created 2015-07-10 17:36:14 UTC**Text** WELCOME HOME. Real 5200 boy**Image****Photo Id:** 1026088506537682057**Id** 1026088506537682057**Taken** 2015-07-10 14:41:43 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/11232559_436950246507595_1665574172_n.jpg?ig_cache_key=MTAyNjA4ODUwNjUzNzY4MjA1Nw%3D%3D.2

Source iOS Camera
Filter 0 - Normal
Upload Ip 66.87.82.25
Is Published true
Shared By false
Author
Location
Comments **User** bgm_omnipotence (2051659744) []
Id 17846110903067745
Date Created 2015-07-04 01:19:15 UTC
Text Birthday girl

Image





Photo Id: 1018125347277383348

Id 1018125347277383348

Taken 2015-06-29 15:00:21 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e15/11266642_663340043800185_614029307_n.jpg?ig_cache_key=MTAxODEyNTM0NzI3NzM4MzM0OA%3D%3D.2

Source iOS Saved Photos

Filter 0 - Normal

Upload Ip 66.87.82.157

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id~~17846097748067745~~**Date Created** 2015-06-29 15:00:21 UTC**Text** It was a mobbsta party out Towson this morning. ..
#piccollage**Image****Photo Id:** 1017109774191961351**Id** 1017109774191961351**Taken** 2015-06-28 05:22:35 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11376197_495545380601123_1443516469_n.jpg?ig_cache_key=MTAxNzEwOTc3NDE5MTk2MTM1MQ%3D%3D.2

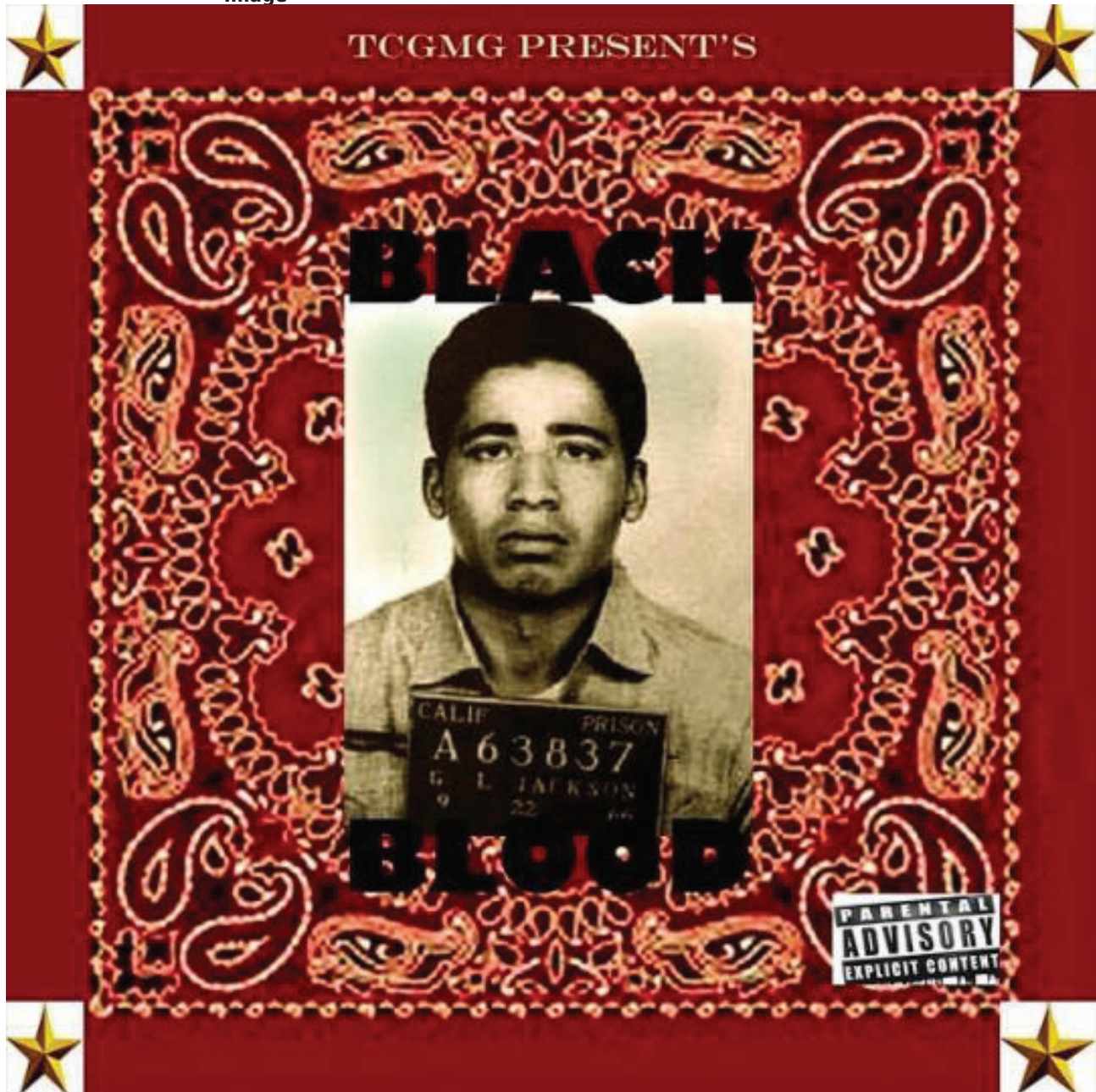
Id

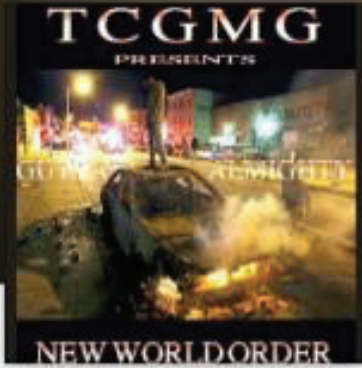
17846080099067745

Date Created 2015-06-21 17:42:33 UTC**Text** Father's Day gifts**Image****Photo Id:** 1012315798888916936**Id** 1012315798888916936**Taken** 2015-06-21 14:37:48 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11420920_843318285748339_1903538873_n.jpg?ig_cache_key=MTAxMjMxNTc5ODg4ODkxNjkzNg%3D%3D.2**Source** iOS Camera

Filter

0 - Normal

Upload Ip 66.87.83.90**Is Published** true**Shared By** false**Author****Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17846040262067745**Date Created** 2015-06-13 16:42:08 UTC**Text** EVERY SONG IS □□□□□□□□□□**Image**



New World Order Vol 1

Gutta Almighty

17 songs • 65:56 (2015)

- 1 **Dj Manny**
Gutta Almighty & Dj Manny
- 2 **MoBB MOBB**
Gutta Almighty & Julio Santana Ft Trouble...
- 3 **Activated**
Gutta Almighty & LongWood Rucker Ft Tro...
- 4 **Know A Thang**
Gutta Almighty & BangOut (Rip) Ft Trouble...

Photo Id: 1005731914353092012
Id 1005731914353092012
Taken 2015-06-12 12:36:48 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/e15/11377464_847333032021881_1809427464_n.jpg?ig_cache_key=MTAwNTczMTkxNDM1MzA5MjAxMg%3D%3D.2
Source iOS Library
Filter 0 - Normal
Upload Ip 66.87.83.12
Is Published true
Shared By false
Author
Location
Comments **User** bgm_omnipotence (2051659744) []

Id

17846020111067745

Date Created 2015-06-12 01:44:03 UTC**Text** [Mixtape] Police Brutality - Champagne Jay via @Spinrilla.**Image****Photo Id:** 1004692137709282892**Id** 1004692137709282892**Taken** 2015-06-11 02:10:57 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11372525_901476883241802_766932798_n.jpg?ig_cache_key=MTAwNDY5MjEzNzcwOTI4Mjg5Mg%3D%3D.2**Source** iOS Library

Image



Photo Id: 1002444124513249056

Id 1002444124513249056

Taken 2015-06-07 23:44:33 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e15/11258049_101257403549608_1126502823_n.jpg

Source iOS Camera

Filter 0 - Normal

Upload Ip 66.87.81.24

Is Published true

Shared By false

Author

Filter 0 - Normal
Upload Ip 66.87.83.229
Is Published true
Shared By false
Author
Location
Comments
User bgm_omnipotence (2051659744) []
Id 17845915393067745
Date Created 2015-06-04 05:39:37 UTC
Text E\$\$\$

Image



Id

17845913755067745

Date Created 2015-05-31 02:50:08 UTC**Text** DIRTY WOODZ**User** bgm_omnipotence (2051659744) []**Id** 17845913782067745**Date Created** 2015-05-31 04:04:23 UTC**Text** We outchea**Image****Photo Id:** 996595247830672522**Id** 996595247830672522

Taken 2015-05-30 22:03:53 UTC
Status 0 - Active
Url http://scontent.cdninstagram.com/t51.2885-15/e15/11257941_1603782006573371_235665160_n.jpg?ig_cache_key=OTk2NTk1MjQ3ODMwNjcyNTly.2
Source iOS Camera
Filter 0 - Normal
Upload Ip 66.87.83.68
Is Published true
Shared By false
Author
Location
Comments

User bgm_omnipotence (2051659744) []
Id 17845913695067745
Date Created 2015-05-30 22:03:53 UTC
Text #MOBBBOSS

User kevscarface (1476687847) [SCAR MOBB SHIT]
Id 17845913740067745
Date Created 2015-05-31 02:10:33 UTC
Text Call me bro I been trying get up wit u..

User kevscarface (1476687847) [SCAR MOBB SHIT]
Id 17845913737067745
Date Created 2015-05-31 02:10:46 UTC
Text @2_gmg

Image

Filter

0 - Normal

Upload Ip 2601:a:780:38f8:10a8:3238:a590:5336**Is Published** true**Shared By** false**Author****Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17845912228067745**Date Created** 2015-05-26 21:47:05 UTC**Text** My honor is my blood**Image**

Photo Id:

993626916861388523

Id 993626916861388523**Taken** 2015-05-26 19:46:20 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11372399_1003371546354682_1856949982_n.jpg?ig_cache_key=OTkzNjl2OTE2ODYxMzg4NTIz.2**Source** iOS Library**Filter** 0 - Normal**Upload Ip** 50.232.32.196**Is Published** true**Shared By** false**Author****Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17845912201067745**Date Created** 2015-05-26 19:46:20 UTC**Text** U MIGHT HAVE KNOCKED SOME BLOOD OUT, BUT U CANT KNOCK OUT THE E. #bone gang**User** fortified_tenacious_kisha (201063722) [THE DEVILS WORST NIGHTMARE]**Id** 17845912948067745**Date Created** 2015-05-28 18:12:04 UTC**Text** Omg praying :-(**User** magik200 (405596021) [IAM200]**Id** 17845914022067745**Date Created** 2015-05-31 16:16:57 UTC**Text** Nizzy**Image**



Photo Id: 993054458756343085

Id 993054458756343085

Taken 2015-05-26 00:48:58 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e15/11324885_479123248923323_2146205350_n.jpg?ig_cache_key=OTkzMDU0NDU4NzU2MzQzMDg1.2

Source iOS Camera

Filter 0 - Normal

Upload Ip 66.87.82.231

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id

17845911826067745

Date Created 2015-05-26 00:48:58 UTC**Text** Dirt dog**Image****Photo Id:** 993010420904764426**Id** 993010420904764426**Taken** 2015-05-25 23:21:28 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11375401_404432299740905_1741066347_n.jpg?ig_cache_key=OTkzMDEwNDIwOTA0NzY0NDI2.2**Source** iOS Library

Filter 2 - Lo-fi
Upload Ip 66.87.82.231
Is Published true
Shared By false
Author
Location
Comments **User** bgm_omnipotence (2051659744) []
Id 17845911805067745
Date Created 2015-05-25 23:21:28 UTC
Text Bosses

Image



Id

17845911589067745

Date Created 2015-05-25 13:03:21 UTC**Text** Chiraq welcome to Afghanistan. LIL HERBO in the CITY with us
TCGMG**Image****Photo Id:** 992346366792050571**Id** 992346366792050571**Taken** 2015-05-25 01:22:07 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11264224_1562454690641901_1851263847_n.jpg?ig_cache_key=OTkyMzQ2MzY2NzkyMDUwNTcx.2

Filter

0 - Normal

Upload Ip 66.87.80.214**Is Published** true**Shared By** false**Author****Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17845910560067745**Date Created** 2015-05-23 23:22:32 UTC**Text** Come get ur ONE. 5200 got a barber shop now that belong to US.**Image**

Photo Id:

991395815979885782

Id 991395815979885782**Taken** 2015-05-23 17:53:32 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11363856_1600663133549542_1067066848_n.jpg?ig_cache_key=OTkxMzk1ODE1OTc5ODg1Nzgy.2**Source** iOS Camera**Filter** 0 - Normal**Upload Ip** 2601:a:780:38f8:e055:ff62:7c6d:3f24**Is Published** true**Shared By** false**Author****Location****Comments** **User** bgm_omnipotence (2051659744) []**Id** 17845910458067745**Date Created** 2015-05-23 17:53:32 UTC**Text** LOVE MY DOUBLE EMM\$**Image**

Id

17845906408067745

Date Created 2015-05-16 23:10:14 UTC

Text Support The King! @whoischristianvazquez ---> @famousnobodys
<-----Newly Released Click The Link In His BIO For Details! I'm
Taking Things To The Next Level With My Bro!
#MakeTheConnection Aye @carterbey @trash719 @i_am_zy Ya'll
Listen Out For The Call! #MGCIsGlobal #LetsJustStateFacts
#NewAdditions #ThisLittleThingCalledLife #LetsLivelt

Image**Photo Id:** 986316765779339086**Id** 986316765779339086

Taken

2015-05-16 17:42:22 UTC

Status 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11280376_1444283429199913_1767825834_n.jpg**Source** iOS Library**Filter** 0 - Normal**Upload Ip** 66.87.82.119**Is Published** true**Shared By** false**Author****Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17845906312067745**Date Created** 2015-05-16 17:42:22 UTC**Text** BRING THE DOG OUT. ITZ GETTIN HOT!!!**User** trouble5200 (1832987656) [trouble5200]**Id** 17845906342067745**Date Created** 2015-05-16 19:39:26 UTC**Text** Gahhh!!!!**User** charmcity_moe (1958886808) [COACH MOE]**Id** 17845911817067745**Date Created** 2015-05-26 00:17:01 UTC**Text** Lol damn**User** jidoe_ (182289495) [jidoe]**Id** 17845929028067745**Date Created** 2015-06-09 16:03:27 UTC**Text** Woo ooohhhhhh**User** keiffy2700 (928514594) [Keiffy]**Id** 17846123617067745**Date Created** 2015-07-10 00:03:29 UTC**Text** @brucethecarter damn**Image**

Id

17845906306067745

Date Created 2015-05-16 17:30:10 UTC**Text** Today tomorrow. GUTTAGANG**Image****Photo Id:** 985745846002394823**Id** 985745846002394823**Taken** 2015-05-15 22:48:03 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11248127_1586945251553453_560108083_n.jpg?ig_cache_key=OTg1NzQ1ODQ2MDAyMzk0ODIz.2**Source** iOS Camera

Filter	0 - Normal
Upload Ip	66.87.81.104
Is Published	true
Shared By	false
Author	
Location	
Comments	User bgm_omnipotence (2051659744) []
	Id 17845906027067745
	Date Created 2015-05-15 22:48:03 UTC
	Text 5200 CREAMZ

Image





Photo Id: 985741378070390376

Id 985741378070390376

Taken 2015-05-15 22:39:11 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/e15/11281961_846435182103993_496983967_n.jpg?ig_cache_key=OTg1NzQxMzc4MDcwMzkwMzc2.2

Source iOS Camera

Filter 0 - Normal

Upload Ip 66.87.81.104

Is Published true

Shared By false

Author

Location

Comments

User bgm_omnipotence (2051659744) []

Id

17845904965067745

Date Created 2015-05-12 16:14:45 UTC**Text** 5200 BOYZ THE MOVIE. CATCH UP**Image****Photo Id:** 982852695440893805**Id** 982852695440893805**Taken** 2015-05-11 22:59:53 UTC**Status** 0 - Active**Url** http://scontent.cdninstagram.com/t51.2885-15/e15/11240301_1599287186985945_779189414_n.jpg?ig_cache_key=OTgyODUyNjk1NDQwODkzODA1.2**Source** iOS Camera

Filter

0 - Normal

Upload Ip 66.87.81.52**Is Published** true**Shared By** false**Author****Location****Comments****User** bgm_omnipotence (2051659744) []**Id** 17845904779067745**Date Created** 2015-05-11 22:59:53 UTC**Text** Day 1's r always []**User** mr.calculatorshorty (405297642) [About A Dollar #Bite [][]♥[][]]**Id** 17845914037067745**Date Created** 2015-05-31 16:46:19 UTC**Text** [][]**Image**100

Id

17845904131067745

Date Created 2015-05-09 23:12:29 UTC**Text** Come holla at me**User** hollywoodgoetta (1114552471) [Kevin Forrest Hollywood]**Id** 17845904146067745**Date Created** 2015-05-09 23:59:57 UTC**Text** On my way nigga..**Image****Photo Id:** 981324607657748142**Id** 981324607657748142

Id 17847146470128377
Date Created 2016-05-01 14:36:11 UTC
Status ACTIVE
Text Wya

Id 17847867718077299
Date Created 2016-05-01 03:39:43 UTC
Status ACTIVE
Text @loganhjames

Id 17856224794049817
Date Created 2016-04-30 21:12:37 UTC
Status ACTIVE
Text Trash bag 100's @avenue_dion

Id 17850031552068986
Date Created 2016-04-29 15:22:11 UTC
Status DELETED_BY_ADMIN
Text TAKE THIS PICTURE THE FUCK DOWN!!!!DONT BROADCAST MY BROTHER MURDER.
THIS SHIT AINT NO GAME. I'm telling u now.

Id 17858109397049903
Date Created 2016-04-28 22:56:33 UTC
Status ACTIVE
Text ALMIGHTY 1000 GANG @sdotshit



Id 17858109385049903
Date Created 2016-04-28 22:55:39 UTC
Status ACTIVE
Text Real shit @levar226

Id 17847083767106745
Date Created 2016-04-28 19:01:41 UTC
Status ACTIVE
Text Hbd boi

Id 17858411608009038
Date Created 2016-04-28 00:01:10 UTC
Status ACTIVE
Text @lewoopexuberant

Id 17858411602009038
Date Created 2016-04-28 00:00:54 UTC
Status ACTIVE
Text @scootaupnext

Id 17846903896122801
Date Created 2016-04-25 15:12:01 UTC
Status ACTIVE
Text Wuts ur #

Id 17846903890122801
Date Created 2016-04-25 15:11:54 UTC
Status ACTIVE
Text Wya today

Id 17862017617049123
Date Created 2016-04-25 15:09:54 UTC

Date Created

2015-06-15 14:43:56 UTC

Status ACTIVE**Text** GRADUATION**Id** 17846054548067745**Date Created** 2015-06-15 14:19:58 UTC**Status** ACTIVE**Text** @chino_mmg**Id** 17852565028016649**Date Created** 2015-06-13 01:03:54 UTC**Status** DELETED_BY_ADMIN**Text** Hell no I got our spot. The olive**Id** 17852565010016649**Date Created** 2015-06-13 00:51:33 UTC**Status** DELETED_BY_ADMIN**Text** I'm down here**Id** 17846029045067745**Date Created** 2015-06-12 21:26:48 UTC**Status** ACTIVE**Text** Already. @scorpio_dee36**Id** 17850351961028022**Date Created** 2015-06-12 15:05:20 UTC**Status** ACTIVE**Text** Go get that BLACK BLOOD OFF SPINRILLA @5pm. Go get NEW WORLD ORDER now. As well as POLICE BRUTALITY. SPINRILLA. THESE E r 4EVA!!**Id** 17850351952028022**Date Created** 2015-06-12 15:03:04 UTC**Status** ACTIVE**Text** Salute the MOBB. SHOTOUT MAGIK**Id** 17846024608067745**Date Created** 2015-06-12 12:43:57 UTC**Status** ACTIVE**Text** GO GET THIS EP. ITS MONUMENTAL**Id** 17846024593067745**Date Created** 2015-06-12 12:41:13 UTC**Status** ACTIVE**Text** @pm_nick my nigga my nigga**Id** 17849791063036760**Date Created** 2015-06-11 21:19:40 UTC**Status** ACTIVE**Text** Put my shit on ur page**Id** 17848702636014144**Date Created** 2015-06-08 11:34:37 UTC**Status** DELETED_BY_ADMIN**Text** Who told u follow me? The bitch Hollie? If so, tell LO I said ALL MY RESOURCES R HIS IN THIS MATTER. My name is Gutta**Id** 17850846757050931**Date Created** 2015-06-08 00:56:42 UTC

THESE E r
4EVA!!100





PATisDOPE One On One Interview With Gutta Almighty

1,245 views



26



2



PATisDOPE

5,754 subscribers



Subscribe

Photo Id: 1071494636296466

Id 26941211906777034349757203480576000

Time 2016-04-12 18:33:43 UTC

Item-type text

Thread-id 340282366841710300949128116421798388693

Text Yes bro it's been up

Author patisdopepromotions (10483157)

Recipients patisdopepromotions (10483157)

bgm_omnipotence (2051659744)

Id 26938374367207447173208645683904512

Time 2016-04-10 23:50:00 UTC

Item-type text

Thread-id 340282366841710300949128116421798388693

Text Y u don't have my FOREST PARK interview on ur page

Service Instagram
Target 2263084558
Generated 2017-02-14 20:03:57 UTC
Date Range 2011-01-01 00:00:00 UTC to 2017-01-20 23:59:59 UTC
NCMEC
Cybertips

Name **First** Young O.G Lor Cream\$ Dinero

Registered Email Addresses creams.dinero@icloud.com

Vanity Name creams_dinero

Registration Date 2015-11-03 17:16:00 UTC

Registration Ip 172.56.5.235

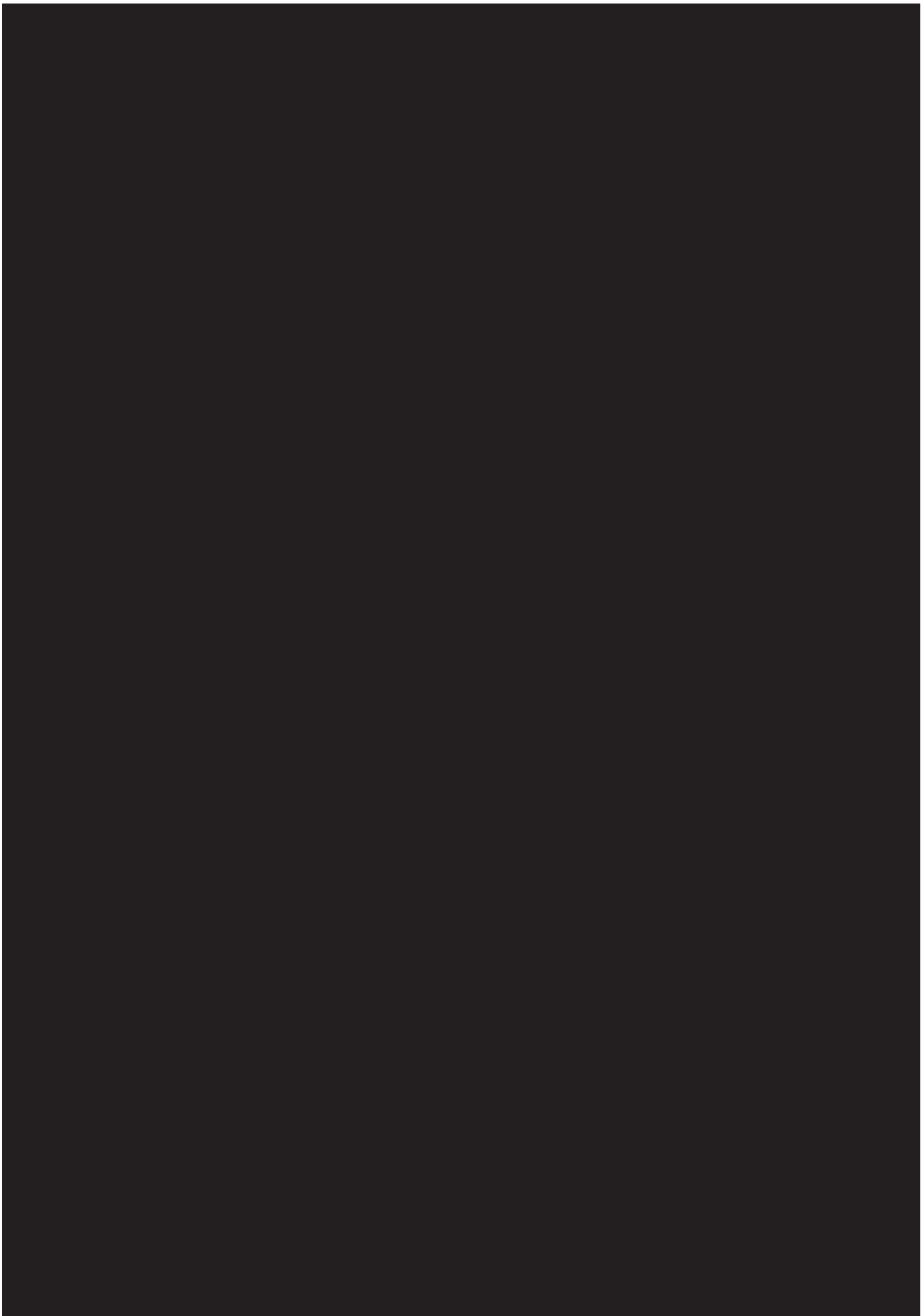
Account Closure Date **Account Still Active** false
Time 2016-06-16 00:16:13 UTC
Reason USER_INITIATED_NEED_BREAK

Account Status History **Status** inactivate
Time 2016-06-16 00:16:12 UTC
Status reactivate
Time 2016-05-15 12:58:10 UTC
Status inactivate
Time 2016-05-12 14:33:46 UTC

Phone Numbers

Ip Addresses **IP Address** 69.251.57.131
Time 2016-06-16 00:16:12 UTC
Action v1_activation
IP Address 69.251.57.131
Time 2016-06-16 00:15:48 UTC
Action v1_login
IP Address 69.251.57.131
Time 2016-05-15 13:07:21 UTC

GOVT. EXHIBIT NO. SM10
CASE NO. CCB-16-0267
IDENTIFICATION
ADMITTED



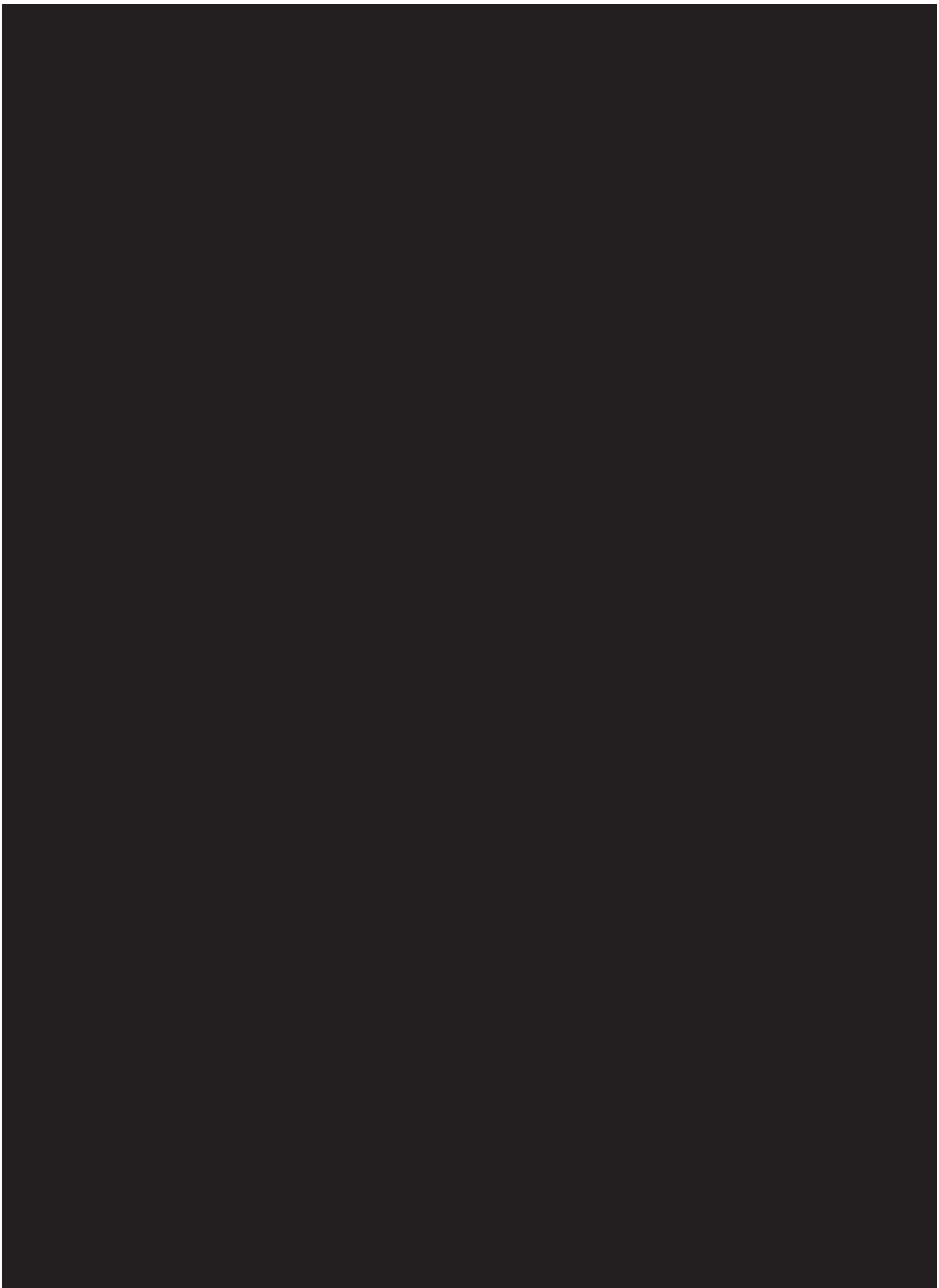






Photo Id: 1204193887368199168

Id 1204193887368199168

Taken 2016-03-12 08:25:19 UTC

Status 4 - Deleted by inactivation

Url https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e35/13408970_1540416362931680_1826845263_n.jpg?ig_cache_key=MTlwNDE5Mzg4NzM2ODE5OTE2OA%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 172.56.3.191

Is Published true

Shared By false

Author

Location

Comments **User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]





Photo Id: 1198884080880925882

Id 1198884080880925882

Taken 2016-03-05 00:35:41 UTC

Status 4 - Deleted by inactivation

Url https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e35/13381356_593936870766313_101676730_n.jpg?ig_cache_key=MTE5ODg4NDA4MDg4MDkyNTg4Mg%3D%3D.2

Source iOS Library

Filter 613 - Juno

Upload Ip 172.56.2.187

Is Published true

Shared By false

Author

Location

Comments **User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]

Id

17847645733070598

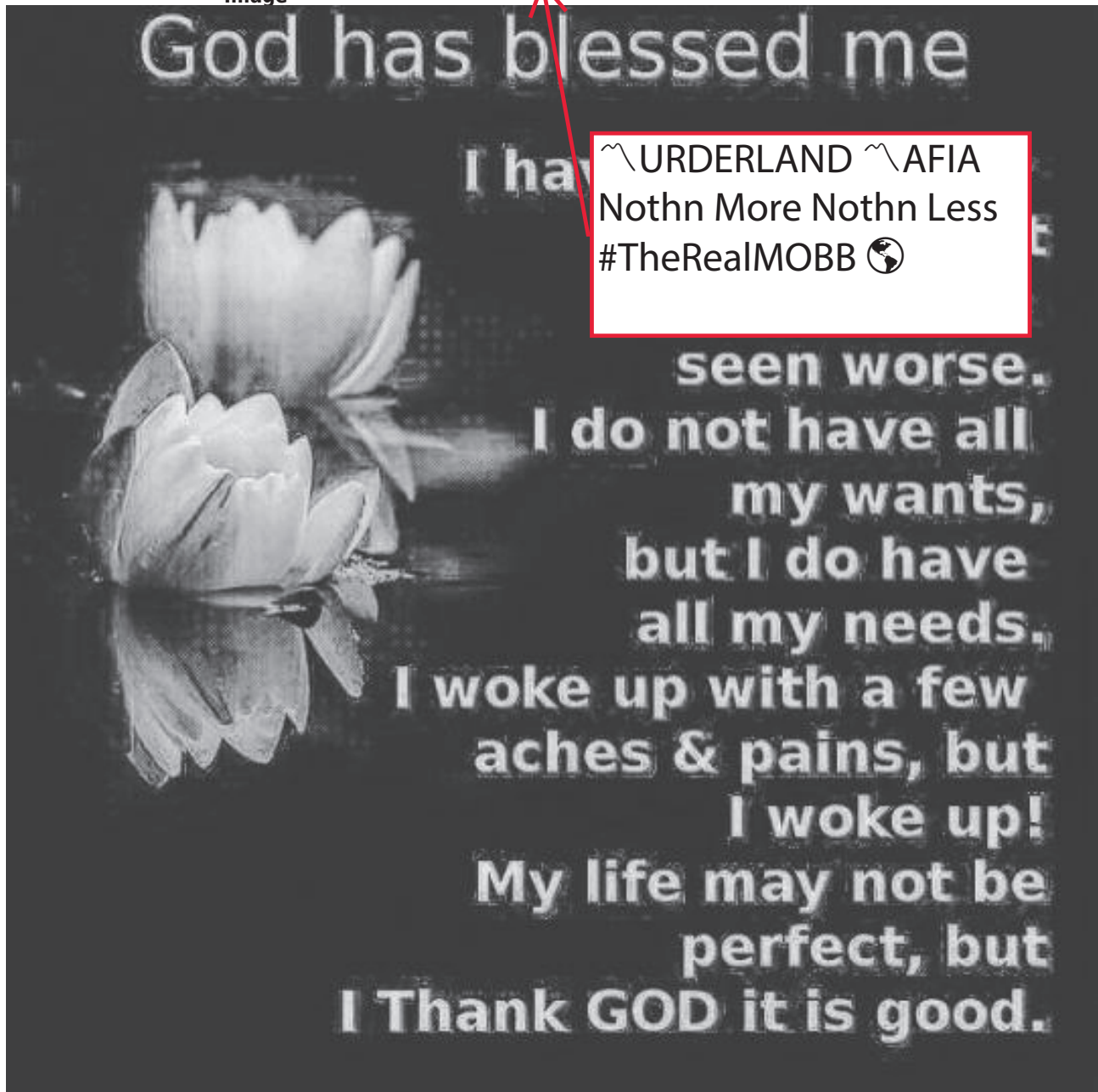
Date Created 2016-03-05 08:35:41 UTC**Status** Active**Text** ~\URDERLAND ~\AFIA Nothn More Nothn Less #TheRealMOBB ~\
#5200FAM**Image****Photo Id:** 1198588147635011435**Id** 1198588147635011435**Taken** 2016-03-04 14:47:43 UTC**Status** 4 - Deleted by inactivation**Url** https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/s480x480/e35/13355496_27649



Photo Id: 1189647138121268423

Id 1189647138121268423

Taken 2016-02-21 06:43:31 UTC

Status 4 - Deleted by inactivation

Url https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e35/13413244_510471639146644_1580962254_n.jpg

Source iOS Library

Filter 0 - Normal

Upload Ip 172.56.12.152

Is Published true

Shared By false

Author

Location

Comments **User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]

Id

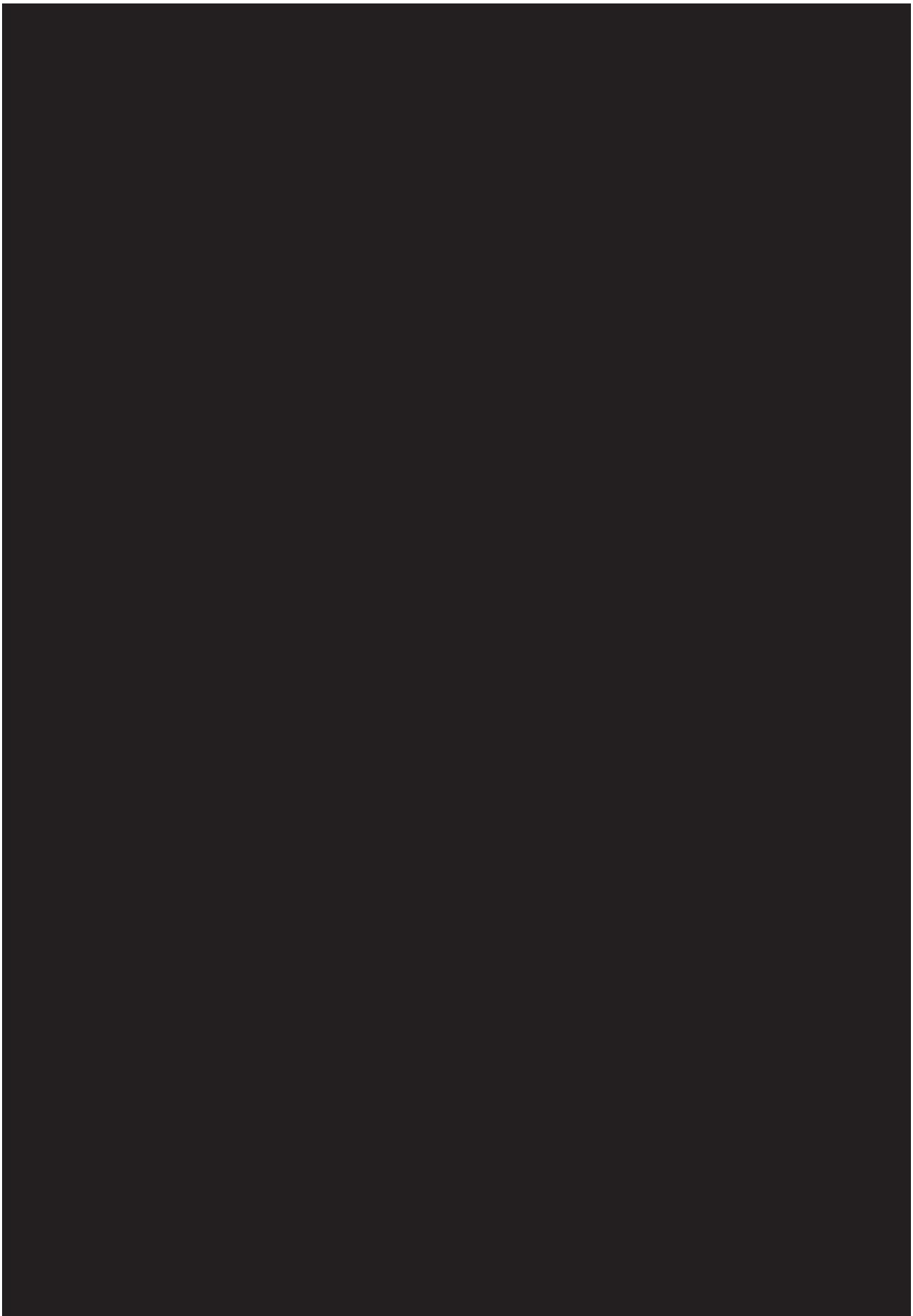
17853982939022232

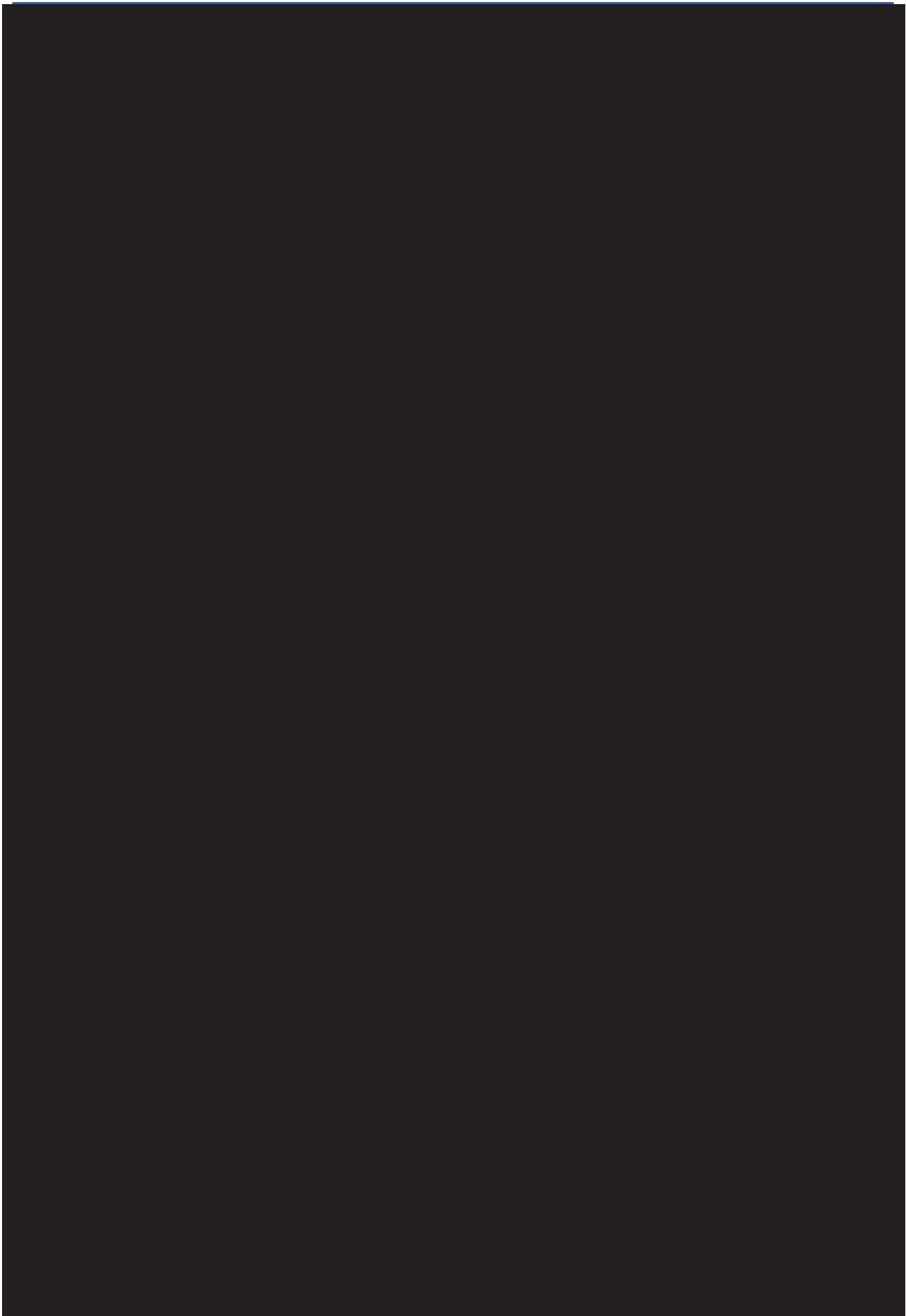
Date Created 2016-02-21 14:43:32 UTC**Status** Active**Text** MURDERLAND MAFIA MOBB THE W[REDACTED]RLD IS OURS #5200FAM**Image**

Photo Id:

1189547799319363346

Id 1189547799319363346**Taken** 2016-02-21 03:26:09 UTC**Status** 4 - Deleted by inactivation**Url** https://igcdn-origincache-
xta1.fbcdn.net/t51.2885-15/e35/13422839_638304419657343_208163426_n.jpg**Source** iOS Library**Filter** 0 - Normal**Upload Ip** 172.56.12.152**Is Published** true**Shared By** false**Author****Location****Comments** **User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]**Id** 17853859876049900**Date Created** 2016-02-21 11:26:10 UTC**Status** Active**Text** #GMB #5200fam #TRAP**Image**









OMERTA



Photo Id: 1122256276668497446

Id 1122256276668497446

Taken 2015-11-20 07:09:55 UTC

Status 4 - Deleted by inactivation

Url https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e35/13414201_1196653097033953_71443453_n.jpg?ig_cache_key=MTEyMjl1Njl3NjY2ODQ5NzQ0Ng%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 172.56.13.178

Is Published true

Shared By false

Author

Location

Comments **User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]

Id

17844431062076938

Date Created 2015-11-20 15:09:55 UTC**Status** Active**Text** CODE**Image****Photo Id:** 1118640157558783143**Id** 1118640157558783143**Taken** 2015-11-15 07:25:20 UTC**Status** 4 - Deleted by inactivation**Url** [https://igcdn-origincache-](https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e15/13398862_1586143668350560_1256884450_n.jpg)[xta1.fbcdn.net/t51.2885-15/e15/13398862_1586143668350560_1256884450_n.jpg](https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e15/13398862_1586143668350560_1256884450_n.jpg)





Photo Id: 1111300113445633348

Id 1111300113445633348

Taken 2015-11-05 04:21:58 UTC

Status 4 - Deleted by inactivation

Url https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e35/13402648_1395575113791119_1465931161_n.jpg?ig_cache_key=MTEExMTMwMDEzMzQ0NTYzMzM0OA%3D%3D.2

Source iOS Library

Filter 0 - Normal

Upload Ip 172.56.15.255

Is Published true

Shared By false

Author

Location

Comments

User creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]
Id 17851676857030347
Date Created 2015-11-05 12:21:59 UTC
Status Active
Text Same Niggas frm the SandBox

Image

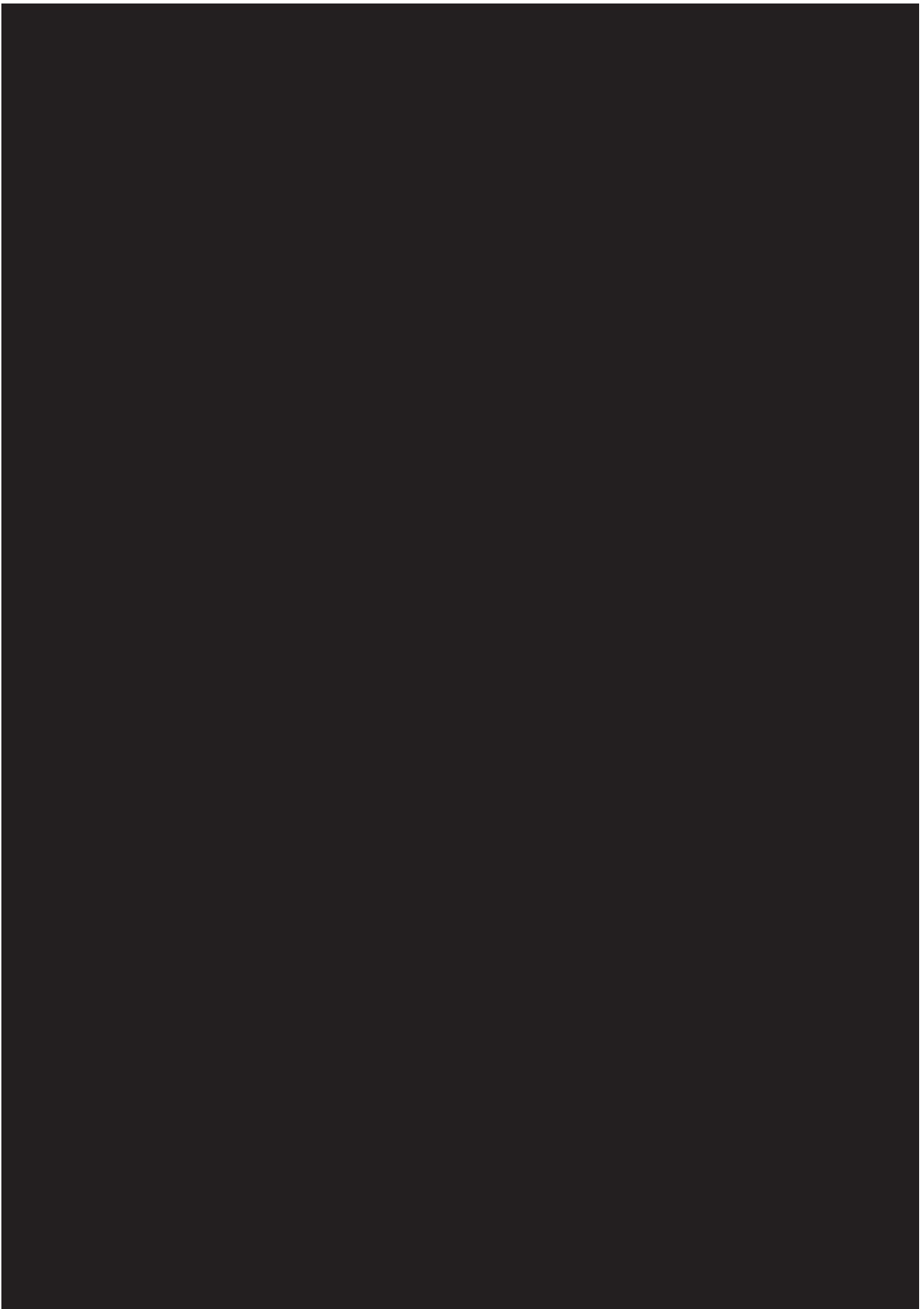


Photo Id: 1111298692037950766
Id 1111298692037950766
Taken 2015-11-05 04:19:09 UTC
Status 4 - Deleted by inactivation
Url https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e35/13437343_1756263054613

776_371223683_n.jpg?ig_cache_key=MTE5ODY5MjAzNzk1MDc2Ng%3D%3D.2

Source iOS Library
Filter 0 - Normal
Upload Ip 172.56.15.255
Is Published true
Shared By false
Author
Location
Comments
User creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]
Id 17843606887100504
Date Created 2015-11-05 12:19:09 UTC
Status Active
Text ☐☐THE #FAM

Image



Id

17844343399076559

Date Created 2015-11-04 01:51:20 UTC**Status** Active**Text** #GMB Since 94**Image****Photo Id:** 1110256637727685904**Id** 1110256637727685904**Taken** 2015-11-03 17:48:46 UTC**Status** 4 - Deleted by inactivation**Url** [https://igcdn-origincache-](https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e35/13380916_634943806681628_2041007205_n.jpg)[xta1.fbcdn.net/t51.2885-15/e35/13380916_634943806681628_2041007205_n.jpg](https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e35/13380916_634943806681628_2041007205_n.jpg)





Id

17844343387076559

Date Created 2015-11-04 01:38:06 UTC**Status** Active**Text** Young MOBB Bosses Swagg'd up Playn w / tht check #5200FAM
#GMB□□□□**Image****Photo Id:** 1110249927713700971**Id** 1110249927713700971**Taken** 2015-11-03 17:35:26 UTC**Status** 4 - Deleted by inactivation**Url** https://igcdn-origincache-xta1.fbcdn.net/t51.2885-15/e35/13394862_1728413604077

Pr

Id 17843721289066527
Date Created 2015-11-10 01:25:39 UTC
Status ACTIVE
Text I need a shoutout brother

Id 17845653118004768
Date Created 2015-11-08 08:43:26 UTC
Status ACTIVE
Text My Nigga

Id 17845206886053629
Date Created 2015-11-06 12:06:29 UTC
Status ACTIVE
Text Sht Whtsup FAM

Id 17845160650053629
Date Created 2015-11-05 13:14:02 UTC
Status ACTIVE
Text Yooo

Videos

Id 1233241114761706710
Taken 2016-04-21 10:16:58 UTC
Status 4 - Deleted by inactivation
Url https://igcdn-origincache-xta1.fbcdn.net/t50.2886-16/13468216_707778136027105_1342558609_n.mp4
Source iOS Library
Filter 10 - Inkwell
Upload Ip
Is Published true
Shared By false
Author
Location
Comments **User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]
Id 17855572858029667
Date Created 2016-04-21 18:17:24 UTC
Status Active
Text #NoSleep 6am sht ☐☐ #TrapLife

Id 1231143048017559211
Taken 2016-04-18 12:48:29 UTC
Status 4 - Deleted by inactivation
Url https://igcdn-origincache-xta1.fbcdn.net/t50.2886-16/13467988_1794564310763220_1632371661_n.mp4
Source iOS Library
Filter 0 - Normal
Upload Ip
Is Published true
Shared By false
Author
Location

Comments **User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]
Id 17861344996056520
Date Created 2016-04-18 20:48:30 UTC
Status Active

Text

WE ORIGINATED YALL DUPLICATED #5200FAM FAKE ASS NIGGA
GET YA GRAMS 📈📈📈📈 #GG'\$ #GiftOfGab #GoodGrams #GMB Gunz
Money & Blow

Id 1225377373030399046
Taken 2016-04-10 13:53:07 UTC
Status 4 - Deleted by inactivation
Url https://igcdn-origincache-
xta1.fbcdn.net/t50.2886-16/13477991_1064412080280382_1767403401_n.mp4
Source iOS Library
Filter 614 - Reyes
Upload Ip
Is Published true
Shared By false
Author
Location

Comments
User creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]
Id 17855988061059107
Date Created 2016-04-10 21:53:08 UTC
Status Active
Text BITCH I BEEN GETTN MONEY BEEN KEEP N SHIT 📈📈 BEEN FCKN
NIGGAS BITCHES SAY SHE CAN FEEL IT IN HER STOMACH BEEN
BEEFN WIT THE CITY I GOTTA CHOPPA SO WHO WANT IT BEEN
BEEN BEEN THT NIGGA I BEEN THT NIGGA END OF DISCUSSION
#5200FAM #OmertaCode

Id 1218785867779751541
Taken 2016-04-01 11:36:59 UTC
Status 4 - Deleted by inactivation
Url https://igcdn-origincache-
xta1.fbcdn.net/t50.2886-16/13458967_238452133205879_304771978_n.mp4
Source iOS Library
Filter 0 - Normal
Upload Ip
Is Published true
Shared By false
Author
Location
Comments

User creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]
Id 17846341864108195
Date Created 2016-04-01 19:36:59 UTC
Status Active
Text THIS LOR BITCH GOT THE NERVE " I swear ta GOD "

Id 1213784566561980246
Taken 2016-03-25 14:00:17 UTC
Status 4 - Deleted by inactivation
Url https://igcdn-origincache-
xta1.fbcdn.net/t50.2886-16/13467937_252650125102050_1549745661_n.mp4
Source iOS Library
Filter 0 - Normal
Upload Ip
Is Published true
Shared By

Author

false

Location**Comments****User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]**Id** 17846081011092912**Date Created** 2016-03-25 22:00:19 UTC**Status** Active**Text** Beefn with niggas 10 yrs older these niggas trying me The city might be scared of you niggas but I'm a dying breed ☐☐.
@officialboosieig #5200FAM**Id** 1205044118272032385**Taken** 2016-03-13 12:34:34 UTC**Status** 4 - Deleted by inactivation**Url** https://igcdn-origincache-
xta1.fbcdn.net/t50.2886-16/13477907_206041923128630_315213247_n.mp4**Source** iOS Library**Filter** 0 - Normal**Upload Ip****Is Published** true**Shared By** false**Author****Location****Comments****User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]**Id** 17854844119012966**Date Created** 2016-03-13 20:34:35 UTC**Status** Active**Text** Trying to Smile to Keep from Crying ☐☐ @officialboosieig**Id** 1202012036532747737**Taken** 2016-03-09 08:10:22 UTC**Status** 4 - Deleted by inactivation**Url** https://igcdn-origincache-
xta1.fbcdn.net/t50.2886-16/13455972_1737100883239342_1273906896_n.mp4**Source** iOS Library**Filter** 0 - Normal**Upload Ip****Is Published** true**Shared By** false**Author****Location****Comments****User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]**Id** 17845241362128771**Date Created** 2016-03-09 16:10:23 UTC**Status** Active**Text** Go Against the MOBB GET MURDERED**Id** 1202010463157042626**Taken** 2016-03-09 08:07:15 UTC**Status** 1 - Deleted by user**Source** iOS Library**Filter** 0 - Normal**Is Published** true**Shared By** false**Author**

Author nera.2times (46135575)
Recipients nera.2times (46135575)
creams_dinero (2263084558)
Id 27000540405826744564364999655424000
Time 2016-05-19 23:57:08 UTC
Item-type text
Thread-id 340282366841710300949128127089000281537
Text How old are you
Author creams_dinero (2263084558)
Recipients nera.2times (46135575)
creams_dinero (2263084558)
Id 27000540281661710204226007728128000
Time 2016-05-19 23:57:01 UTC
Item-type text
Thread-id 340282366841710300949128127089000281537
Text Lol
Author creams_dinero (2263084558)
Recipients nera.2times (46135575)
creams_dinero (2263084558)
Id 27000540236577867688079863578624000
Time 2016-05-19 23:56:59 UTC
Item-type text
Thread-id 340282366841710300949128127089000281537
Text Yea
Author creams_dinero (2263084558)
Recipients nera.2times (46135575)
creams_dinero (2263084558)
Id 27000538460709815712061329506304000
Time 2016-05-19 23:55:22 UTC
Item-type text
Thread-id 340282366841710300949128127089000281537
Text Lol are you going send it this time
Author nera.2times (46135575)
Recipients nera.2times (46135575)
creams_dinero (2263084558)
Id 27000538007454867076943936749568000
Time 2016-05-19 23:54:58 UTC
Item-type text
Thread-id 340282366841710300949128127089000281537
Text rwyatt817@gmail.com
Author nera.2times (46135575)
Recipients nera.2times (46135575)
creams_dinero (2263084558)
Id 27000537785281469796446853866192896
Time 2016-05-19 23:54:46 UTC
Item-type text
Thread-id 340282366841710300949128127089000281537
Text 2407130332
Author creams_dinero (2263084558)
Recipients nera.2times (46135575)
creams_dinero (2263084558)
Id 27000537138127204839114030079541248
Time 2016-05-19 23:54:11 UTC
Item-type text
Thread-id 340282366841710300949128127089000281537
Text What's email
Author creams_dinero (2263084558)

Thread-id 340282366841710300949128126143718313058
Text Wats good
Author alipaidinfull (3036929180)
Recipients creams_dinero (2263084558)
alipaidinfull (3036929180)

Id 26942698293320962388246941835198464
Time 2016-04-13 16:56:41 UTC
Item-type text
Thread-id 340282366841710300949128126143718313058
Text What's MOBBIN
Author creams_dinero (2263084558)
Recipients creams_dinero (2263084558)
alipaidinfull (3036929180)

Id 26981334707380057124740572119040000
Time 2016-05-07 22:44:45 UTC
Item-type text
Thread-id 340282366841710300949128116104779359472
Text Bro I'm in town
Author coyote_1000 (33645798)
Recipients coyote_1000 (33645798)
creams_dinero (2263084558)
Id 26979121444115237313190421331968000
Time 2016-05-06 13:25:04 UTC
Item-type text
Thread-id 340282366841710300949128116104779359472
Text After wed sometime waiting for this interview to pass then I'm coming down and
Awwready
Author coyote_1000 (33645798)
Recipients coyote_1000 (33645798)
creams_dinero (2263084558)
Id 26979072935487109930278337904640000
Time 2016-05-06 12:41:14 UTC
Item-type text
Thread-id 340282366841710300949128116104779359472
Text Yea & thanks my nigga we gotta link up when you coming down
Author creams_dinero (2263084558)
Recipients coyote_1000 (33645798)
creams_dinero (2263084558)
Id 26979071411029732934847282806784000
Time 2016-05-06 12:39:51 UTC
Item-type text
Thread-id 340282366841710300949128116104779359472
Text Happy birthday to bro
Author coyote_1000 (33645798)
Recipients coyote_1000 (33645798)
creams_dinero (2263084558)
Id 26979070856077884221369131991040000
Time 2016-05-06 12:39:21 UTC
Item-type text
Thread-id 340282366841710300949128116104779359472
Text Forreal everything good tho?
Author coyote_1000 (33645798)
Recipients coyote_1000 (33645798)
creams_dinero (2263084558)
Id 26979065558744835318270903975936000
Time 2016-05-06 12:34:34 UTC
Item-type text



Photo Id: 1191512160225148181

Id 1191512160225148181

Taken 2016-02-23 20:28:59 UTC

Status 0 - Active

Url http://igcdn-photos-f-a.akamaihd.net/hphotos-ak-xfa1/t51.2885-15/sh0.08/e35/p750x750/12724723_1674696519464677_387051804_n.jpg?ig_cache_key=MTE5MTUxMjE2

MDIyNTE0ODE4MQ%3D%3D.2

Source Library**Filter** 17 - Unknown**Upload Ip** 172.56.3.93**Is Published** true**Shared By** false**Author****Caption****Id** 17853116443022702**Date Created** 2016-02-23 20:29:00 UTC**Status** Active**Text** 30 piece**Location****Comments****User** creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]**Id** 17853122728022702**Date Created** 2016-02-24 00:56:36 UTC**Status** Active**Text** #30**User** prettykeee_ (54780479) [•Growing and Learning]**Id** 17853142033022702**Date Created** 2016-02-24 19:04:52 UTC**Status** Active**Text** Delete this.**Image**



Photo Id: 1186910713382649507

Id 1186910713382649507

Taken 2016-02-17 12:06:44 UTC

Status 0 - Active

Url http://igcdn-photos-e-a.akamaihd.net/hphotos-ak-xaf1/t51.2885-15/e35/12747829_454392904757076_1038775449_n.jpg?ig_cache_key=MTE4NjkxMDcxMzM4MjY0OTUwNw%3D%3D.2

Source Library

Filter 0 - Normal

Upload Ip 172.56.2.133

Is Published true

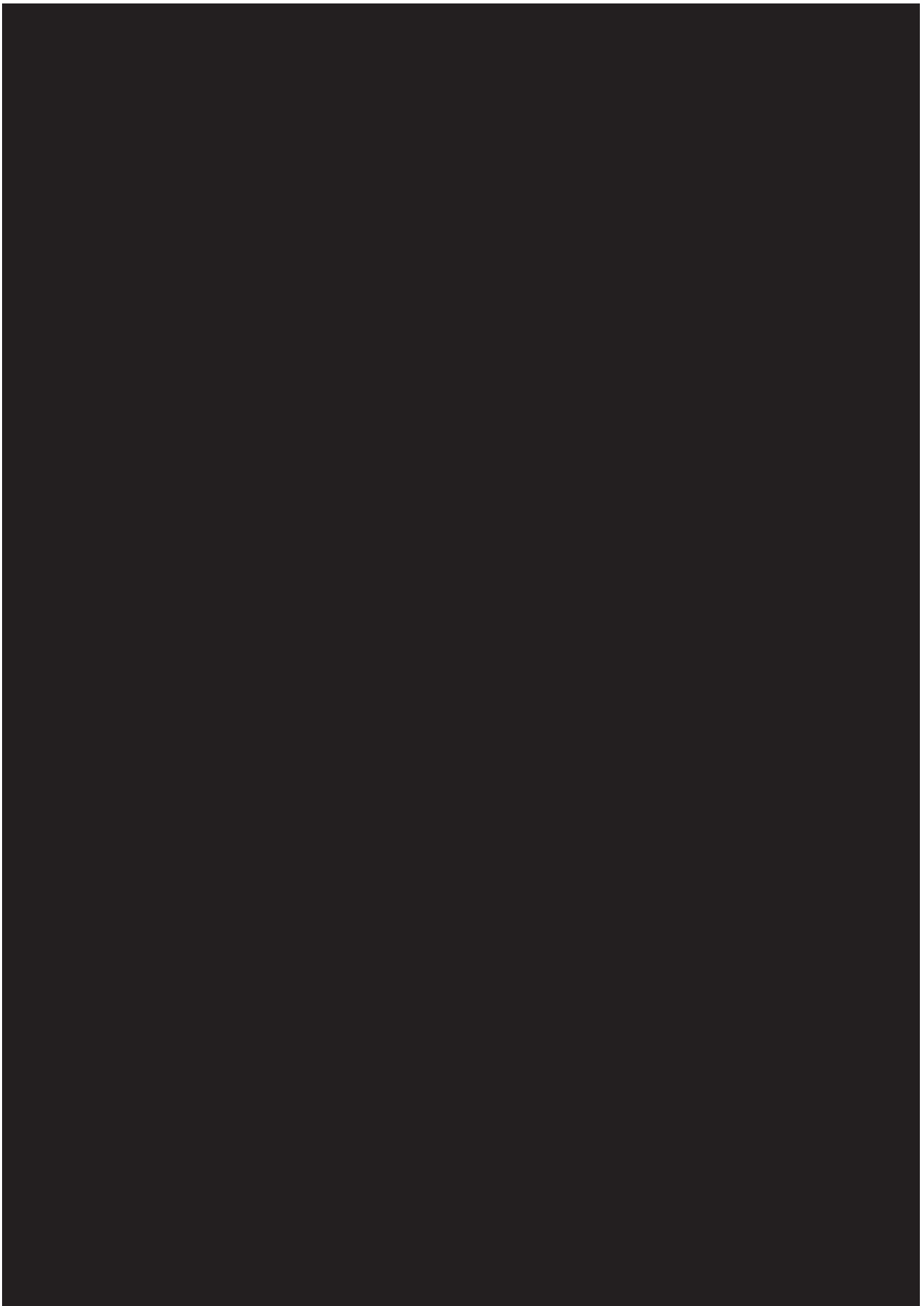
Shared By false

Author

Caption **Id** 17844471265102201

	Date Created	2016-02-17 12:06:44 UTC
	Status	Active
Location	Text	Can't sleep when You got ☐☐ & Murder on Ya Mind Refuse to let You Lame Duck Ass Niggas put me in Tht suit & Tie #streetnigga
	Comments	
	User	launzae (1139821194) [I_AM_AUNZAE™]
	Id	17844473371102201
	Date Created	2016-02-17 14:55:43 UTC
	Status	Active
	Text	text me 6783657474
	User	mr.calculatorshorty (405297642) [About A Dollar #Bite ☐☐☐♥☐☐☐]
	Id	17844579010102201
	Date Created	2016-02-21 16:37:17 UTC
	Status	Active
	Text	Wya dummie ?
	User	creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]
	Id	17844579430102201
	Date Created	2016-02-21 16:54:04 UTC
	Status	Active
	Text	Up the mall @mr.calculatorshorty
	User	mr.calculatorshorty (405297642) [About A Dollar #Bite ☐☐☐♥☐☐☐]
	Id	17844579439102201
	Date Created	2016-02-21 16:54:25 UTC
	Status	Active
	Text	Ain't find none yet ?
	User	creams_dinero (2263084558) [Young O.G Lor Cream\$ Dinero]
	Id	17844579787102201
	Date Created	2016-02-21 17:06:56 UTC
	Status	Active
	Text	I'm looking now @mr.calculatorshorty

Image



Service Instagram
Target 3673860134
Generated 2017-03-31 18:17:50 UTC
Date Range 2016-09-22 00:00:00 UTC to 2017-03-21 23:59:59 UTC
NCMEC
Cybertips

Name	First MOBB[k] BOSS
-------------	---------------------------

Registered fhp.5200fam@gmail.com
Email
Addresses

Vanity Name fh_dinero

Registration 2016-08-17 14:06:19 UTC
Date

Registration Ip 107.77.202.124

Account **Account Still** true
Closure Date **Active**

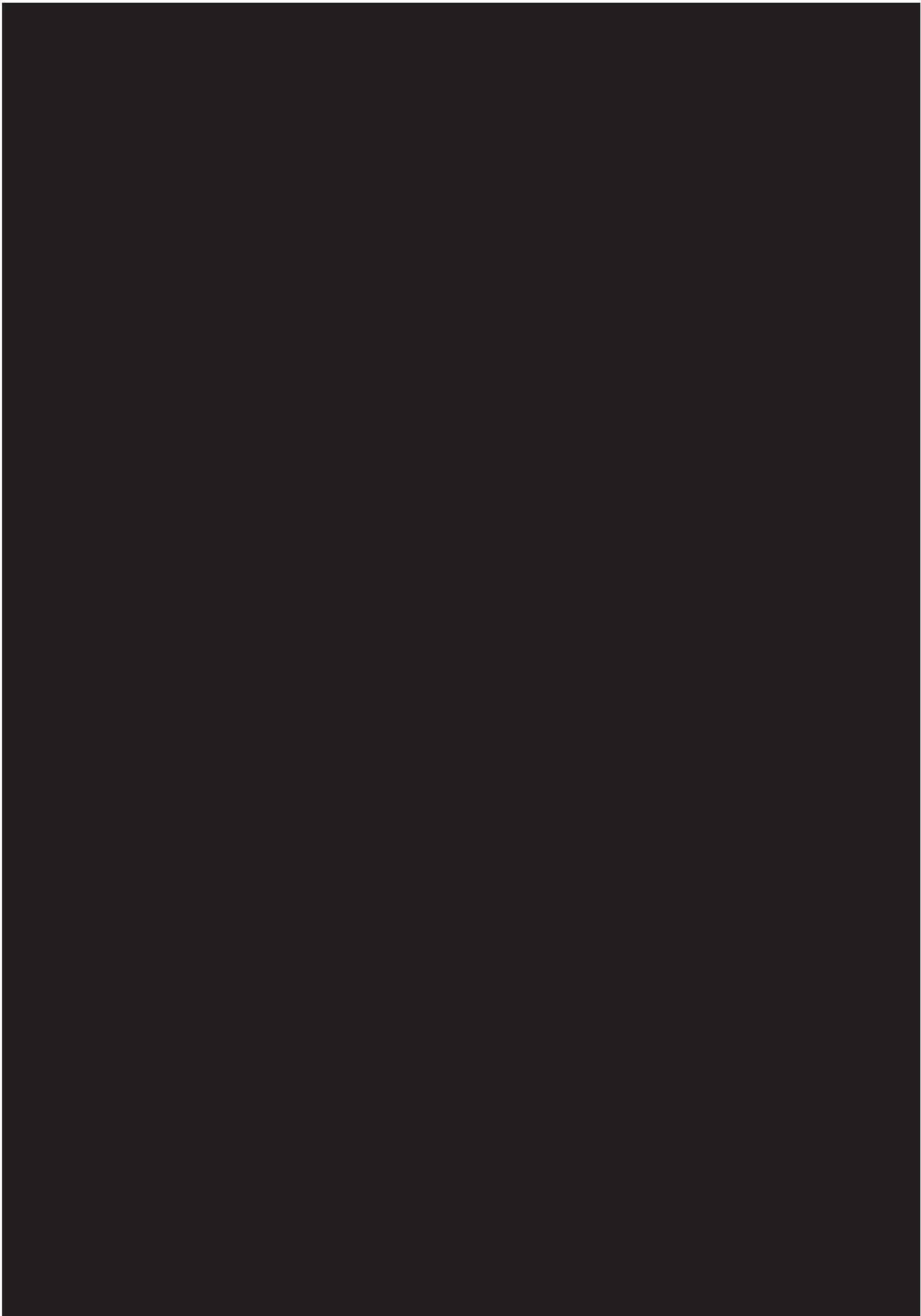
Phone
Numbers

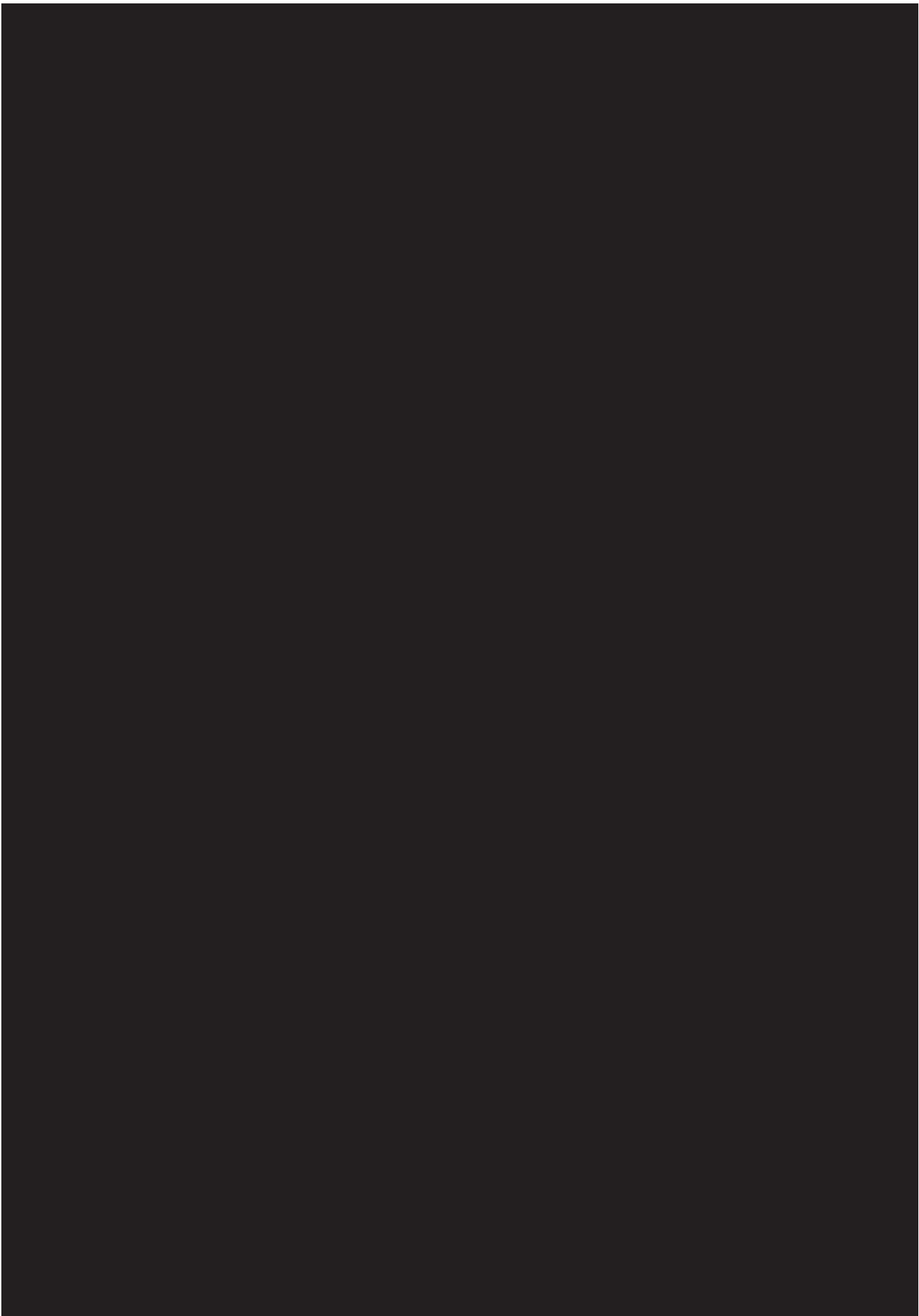
Ip Addresses

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Time	2017-03-06 21:59:59 UTC
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Time	2017-03-06 21:54:55 UTC
IP Address	2601:144:c001:eef:9140:32d5:7739:777d
Time	2017-03-04 21:02:05 UTC
IP Address	2601:144:c001:eef:9140:32d5:7739:777d
Time	2017-03-04 20:59:46 UTC
IP Address	2601:144:c001:eef:9140:32d5:7739:777d
Time	2017-03-04 20:45:21 UTC
IP Address	2607:fb90:138e:14ab:f700:697f:a79c:4796
Time	2017-02-24 16:19:51 UTC
IP Address	2607:fb90:138e:14ab:f700:697f:a79c:4796
Time	2017-02-24 16:19:30 UTC
IP Address	172.56.3.95
Time	2017-02-24 01:23:30 UTC

GOVT. EXHIBIT NO.	SM13
CASE NO.	CCB-16-0267
IDENTIFICATION	
ADMITTED	

JA6323







Comments

User fh_dinero (3673860134) [MOBB[k] BOSS]
Id 17871023824048909
Date Created 2017-01-27 02:04:47 UTC
Text You wouldn't Understand [] [] [] [] [] [] [] [] #LORBITCH #OmertaBoyz

Image



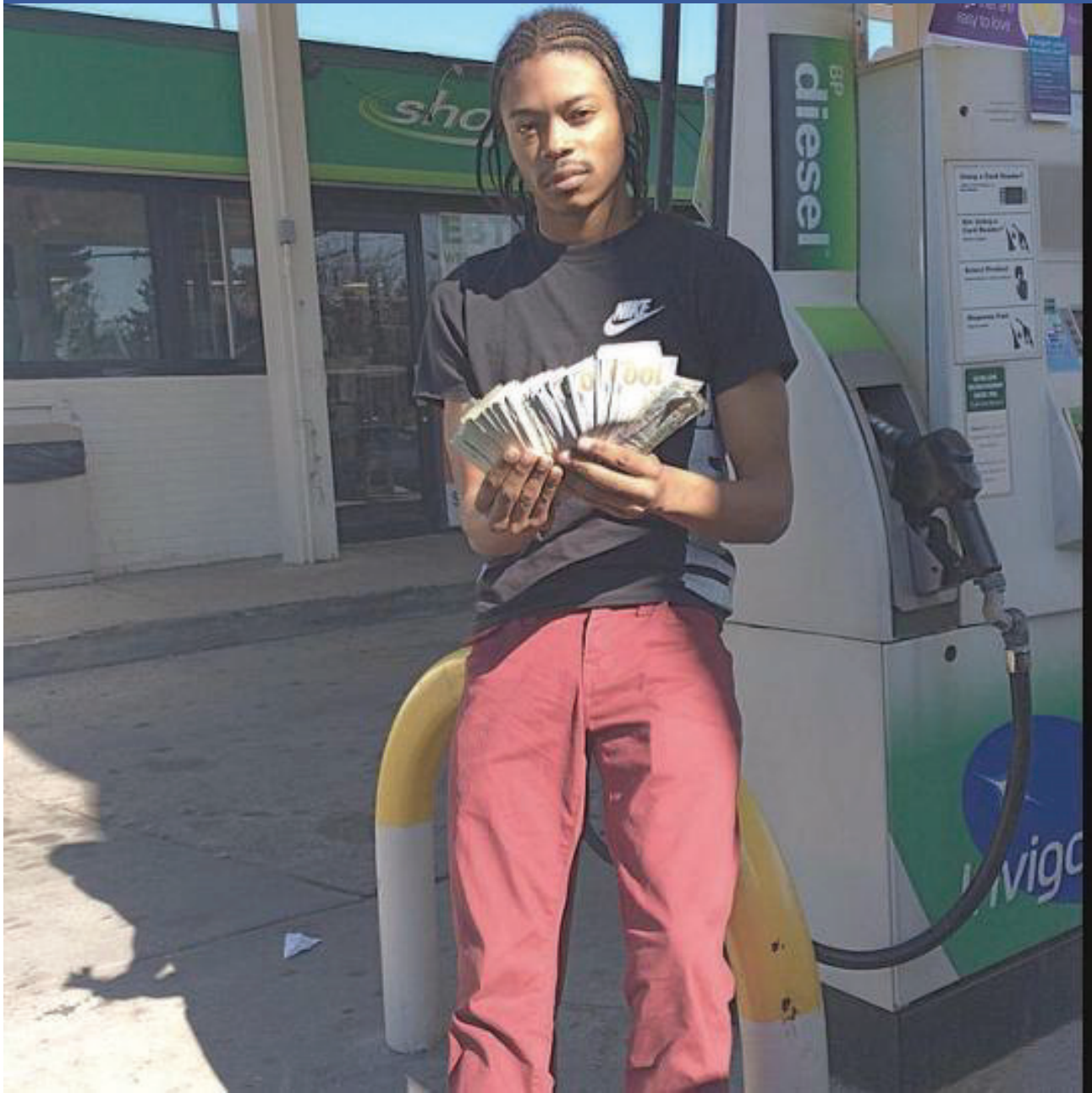


Photo Id: 1427231422251250035

Id 1427231422251250035

Taken 2017-01-14 02:01:05 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/15877346_162487434239098_2784081132222676992_n.jpg

Source iOS Library

Filter 0 - Normal

Upload Ip 172.56.3.223

Is Published true

Shared By false

Author

Location **Latitude** 0

Longitude 0







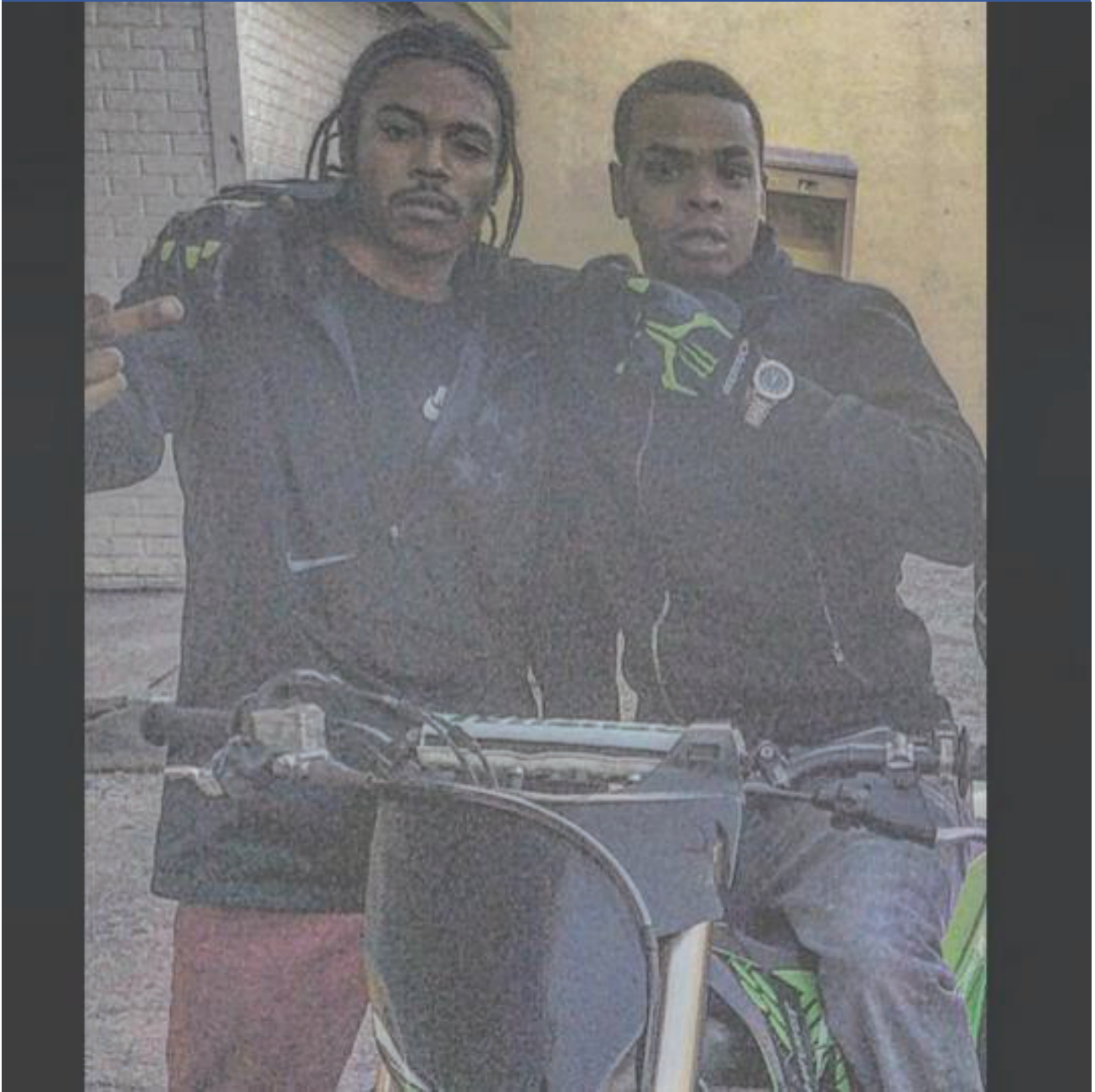


Photo Id: 1404399846940538068

Id 1404399846940538068

Taken 2016-12-13 13:58:49 UTC

Status 0 - Active

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Source iOS Library

Filter 0 - Normal

Upload Ip 172.56.2.3

Is Published true

Shared By false

Author

Location **Latitude** 0

Longitude 0

Comments

User fh_dinero (3673860134) [MOBB[k] BOSS]
Id 17845414159176552
Date Created 2016-12-13 13:58:49 UTC
Text Another throwback We been thuggn Round the Way Since Pre-K
5☐2☐#FAM #FcktheFeds☐☐☐☐

User fh_dinero (3673860134) [MOBB[k] BOSS]
Id 17867077675045101
Date Created 2016-12-13 14:09:11 UTC
Text @konandagreat already you know I come up under y'all Them
Original FHP niggas

User konandagreat (1441870377) [konan]
Id 17858418799075554
Date Created 2016-12-13 14:12:55 UTC
Text Already 1☐0☐0☐0☐

User sssdot (2159293279) [.]
Id 17860949962071102
Date Created 2016-12-13 14:23:19 UTC
Text 2savages 1☐0☐0☐0☐ dem my Nephew rite there ☐☐☐☐

User teamo_kisura (31842016) [ms.Johnson☐☐☐☐☐]
Id 17858707372123632
Date Created 2017-01-17 20:20:06 UTC
Text my 2 favs☐☐☐☐ ♡

Image

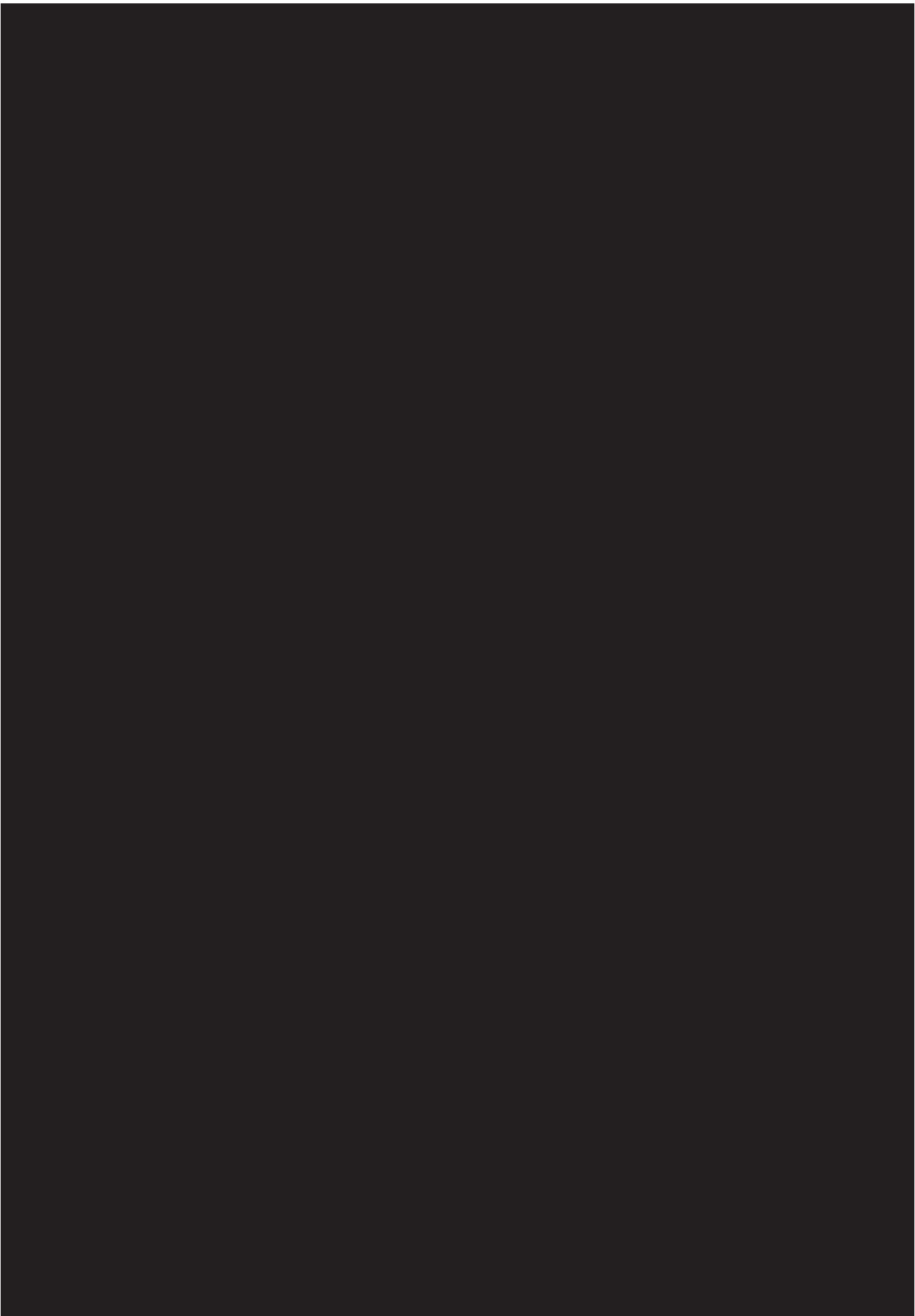




Photo Id: 1400944194613068046

Id 1400944194613068046

Taken 2016-12-08 19:33:03 UTC

Status 0 - Active

Url http://scontent.cdninstagram.com/t51.2885-15/s640x640/sh0.08/e35/14582263_1234674216621705_6631274418049908736_n.jpg

Source iOS Library

Filter 0 - Normal

Upload Ip 172.56.2.135

Is Published true

Shared By false

Author

Location **Latitude** 0

Longitude 0



fh_dinero

Follow



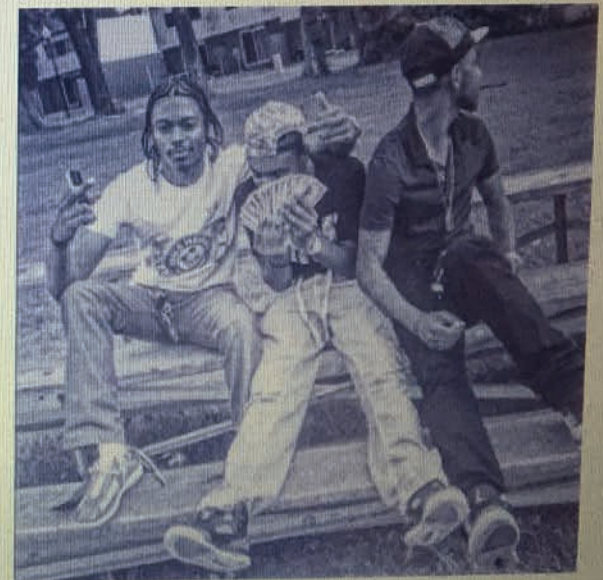
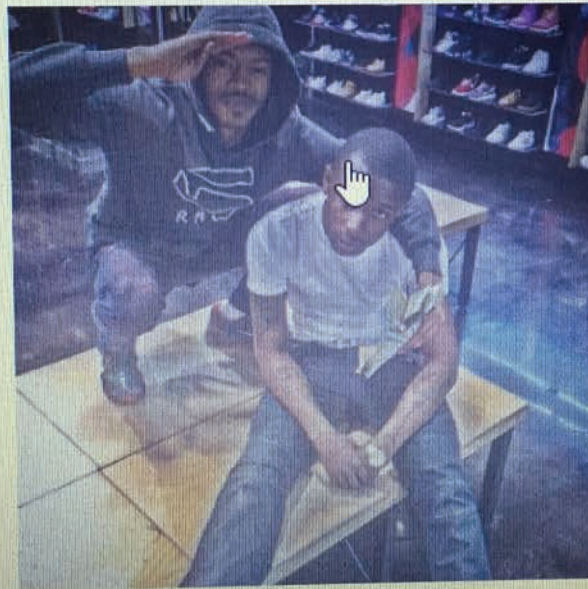
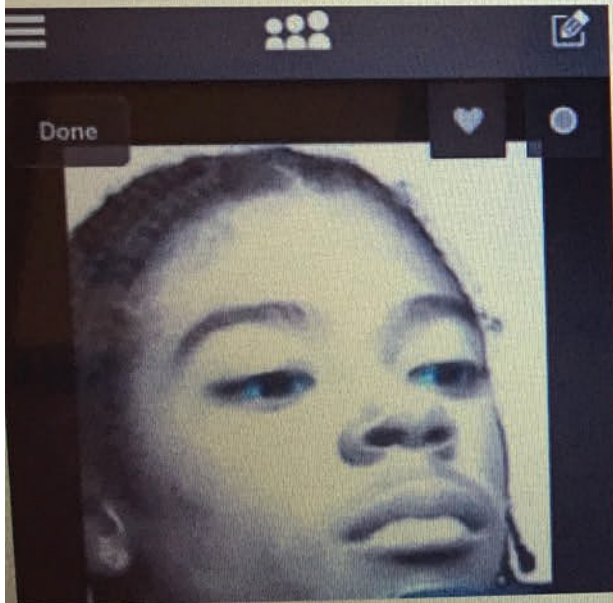
...

15 posts

175 followers

154 following

5Deuce BOSS Death Bk4 Dishonor OMERTa Code / 52Hunnit F.A.M. 🇸🇪 🇵🇪 🇵🇪 🌐
[G] [M] [B] 410MurderLand - Forest Heights LOr Dinero

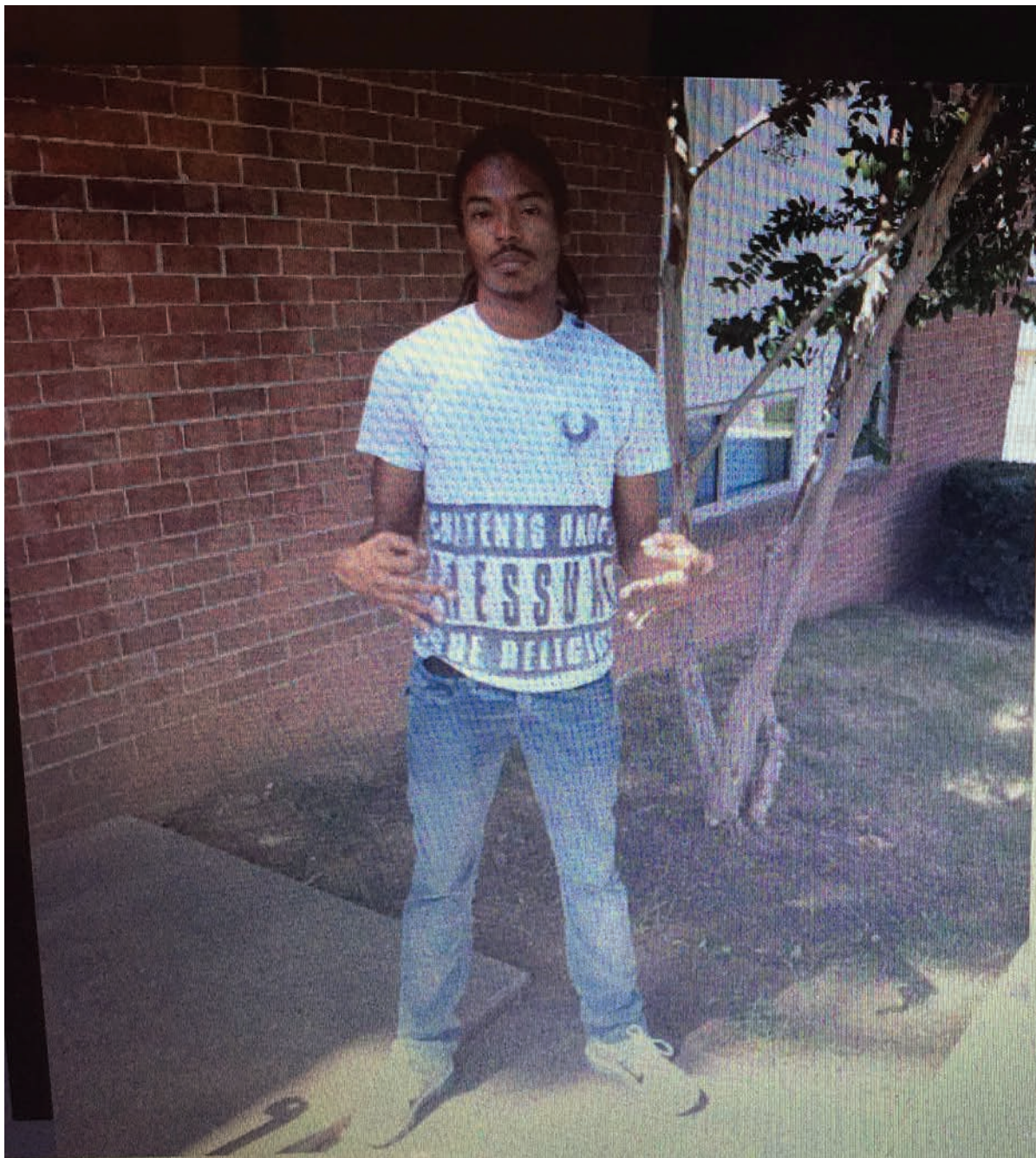


nfjOtA/?taken-by=fh_dinero



GOVT. EXHIBIT NO. SM13a
CASE NO. CCB-16-0267
IDENTIFICATION
ADMITTED

JA6337



fh_dinero

Follow

20 likes



fh_dinero Have a MOBB meeting With a
MOBB BOSS #5200fam

Sep 15, 2016

rohnietria 🤔

25/11/16



GOVT. EXHIBIT NO.	SM13b
CASE NO.	CCB-16-0267
IDENTIFICATION	
ADMITTED	

JA6338

PATisDOPE One On One Interview With Gutta Almighty

URL: <https://www.youtube.com/watch?v=d32Tgxe-wZ0>

Published: August 10, 2015

Featuring: Dante BAILEY, Melvin LASHLEY, William JONES, Jamal LOCKLEY, Dwight JENKINS, William BANKS

BAILEY:

Piru nigga alert.

I'm on Forest Park. I'm on Forest Park. I'm on Forest Park

Chorus (x2):

You can catch me right on Forest Park

Smack life, caine flippin, I'm on Forest Park

M's or nothin', set trippin', I'm on Forest Park

From Chelsea up to Windsor Mill and Forest Park

They said Im a flip the city, you know I'm a hitter

It's change on a nigga brain, you know I'm a killer.

There's snakes in the grass, the wet reveal 'em

Pussy nigga one yeast beast

What's happenin' nigga, I'm talkin' to all you rapper niggas

The back seat of the Lex can fit a mattress in it

Caine pussy drippin' Ow we the livest crew

BAILEY: You can follow me on Instagram @2gmg, Facebook gmanalmighty. Get at me
Twitter @guttaalmighty. You already know. Hit me up, baby.

PATisDOPE: It's PATisDOPE, and I'm here with—

BAILEY: Gutta Almighty man. 5200 boy.

PATisDOPE: Let's talk about that Forest Park situation, the song, the single, the anthem,
correct?

BAILEY: Yeah, I mean, if you wanna call it that. It's just real talk. I mean, come holler at
us.

PATisDOPE: You gave me a little history behind Forest Park, but what's it all about around
here? And, and, and, and how long you been around here? How long you been

GOVT. EXHIBIT NO.	YT14T
CASE NO.	CCB-16-0267
IDENTIFICATION	
ADMITTED	

rappin’? You know, I see you got a few OG’s, you know, good men with us. Let’s talk about Forest Park.

BAILEY: I mean Forest Park basically, know what I mean, Get Money Boys. You already know. If you get out of line, though, you get ran over. I mean we got teams for money and murder—whatever you want to do. But at the end of the day, it’s all about this money. We get money. If y’all ain’t doin’ it, you get lost.

PATisDOPE: Most def. Let’s talk about the movement. You said you fuckin’ clubs up. You got the music out. Let’s talk about how you move, you know, and, and what you like to do.

BAILEY: All I like to do is, you know, get money. That’s it. Know what I mean, fuck bitches, get money. Know what I mean, that’s all we do. And throw money. We don’t wanna talk about no guns, though. Naw, not that. [laughing]

PATisDOPE: For sure. What’s out right now?

BAILEY: Uh, we got—you can check us out on Spinrilla. Know what I mean, we dropped a mixtape, tell ‘em, we drop this mix—we drop mixtapes on Spinrilla every Friday.

PATisDOPE: Every Friday.

BAILEY: For the summer. Like, you can go get, uh, Black Blood—we got a Black Blood movement goin’ on. This the only motherfuckin’ place that you’ll see Blood niggas, Crip niggas, and BGF niggas together. Black Blood, that’s the movement. Know what I mean, TCGMG, we the only motherfuckers doin’ it in the City. Know what I mean, I’m talkin’ about real prominent niggas in all those gangs. Know what I mean, we together, and pushin’ that, that’s how we doin’ it. Know what I mean, and uh, but you can go get Mobbin on Beats, Black Blood, Black Blood 2, you can go get DJ—uh, you can go get my mixtape New World Order off of there, uh, uh, hosted by DJ Manny, on there. You go on YouTube, you’ll see about ten videos: Smack Swag, you know, uh, White America, uh, Top Flight, you know, I’m everywhere. You know, I’m the type of nigga, I like to go, like, on your block, like on your block, on another dude’s block. I go on your block and make a video.

PATisDOPE: Most def. What’s the last block you went to?

BAILEY: I went to uh, Pennsylvania Avenue, I been there, did a video. I been to Monument and Bradford, I did a video. I been in every hitter block, like, that's in the music game, I did a video on their block. I been to Edmondson Avenue where the Teflon Don was at. You can catch me on Str8 Mobbin, Murdaland Mafia, YouTube, go check that out. I been everywhere. But I fuss with everybody. That just show you, know what I mean, real OG, real nigga shit. Ain't like, niggas bitches or nothin', just niggas fuck with niggas, like, know what I mean, I'm certified, you know. I got diplomatic immunity in every ghetto community.

LOCKLEY: [laughing] The whole team, yo.

PATisDOPE: Who you wanna work with that you didn't, you know, whose block you want to go to that you didn't, like, like, explain and why.

BAILEY: I would wanna go to all y'all blocks, man. You know, if you doin' something in this music game, I wanna support you as well as I want you to support me because I ain't your enemy. And the only way we can make it happen is if we come together.

PATisDOPE: You fly man, what you wearin' right now? When you done fuckin' with the bitches, when you done makin' music and you about to get fly to go fuck the club up, what you wearin'?

BAILEY: Robin's. They know me, they call me the Robin man. They think Batman with me. Sure enough, man. Robin. Robin's, Guiseppe's, you know, everything fly right now. You know, I got a lot of Jordan's. You know that's when I laid back, lay low in the hood. But you know, Robin's is my thing.

PATisDOPE: What you listenin' to right now—what's inspirin' you?

BAILEY: I ain't gonna lie. I'm listenin' to, uh, I got just put on with my little man, um, Skooly.

PATisDOPE: Skooly? SB? Most def. I just, you know—

BAILEY: Yeah, I gotta song with him. Like, I been in Atlanta, networking, and I, we got songs together. That's my man, and just him comin' back around in my life, like, and him doin' what he's doin' at the age that he doin' it, like, it was beautiful. I like his song—shout out to The Black John Gotti.

PATisDOPE: The Black John Gotti mixtape, mm-hmm.

BAILEY: I fuck with that dude, but that's who I'm listenin' to right now. Him, YRN Lucci, YFN Lucci. I like Future, I fuck with. But uh, we stuck on us for real right now. I got at least eight artists, you know, and that's a music build up. Shout out Julio, Trouble, shout out Montana Gold, Konan the Great, Young Charlie, know what I mean, we got hitters—

LOCKLEY: 5200 Creamy—

BAILEY: 5200 Creamy, Spotty Mo, we got hitters, Jack Boy, Tony.

PATisDOPE: Your goal is to get out the projects, though, we makin somethin, you know, wintertime comin', fall, spring, all that, you know, so what's some goals for you? You know, what's some things on your get-done list, you know, to broaden your fans, you know, and to get out of here?

BAILEY: Like I wanna take a, I wanna bring a show to the scene, to the music scene, so like phenomenal, they like, damn, we gotta go see him, it's like entertainment. I just don't wanna go on the stage and be like yeah, we from the streets, and we all on stage, naw I wanna bring the show, so a motherfucker can be like, yo yeah, they already made it! That's what I wanna bring, and that's what I'm bringin' to the table, September 18th, come to the show, and we gonna get it in. And ask about that, ask about that party—

LOCKLEY: We turn it all the way up.

BAILEY: This time, we try to do something different; we try to make something special happen.

PATisDOPE: Most def. We know about Forest Park, you know. What about Baltimore, you know, the artists come out of Baltimore, you know, maybe are getting overlooked, maybe not, you know, maybe they know about you in the streets, they need to know more about the music. How do you feel about the Baltimore scene right now?

BAILEY: I grew up here, you know. I'm ready to get blew up here. You know, I don't care. I'm ready to die with the city, whatever. But like, Baltimore's a dangerous place. You know, I remember back when I was younger, all the rappers, you know what I mean, used to come here and entertain and get shot or robbed and stuff like that.

Baltimore is a dangerous place, so it's, it's, it's like hard to accept us—'cause we talk about killin' like a lot. You know, that's how, that's the environment we grew up in. We talk about killin' a lot. So it's gonna take something else. But as long as this, like, we buildin' our own sound, and people don't—open their resources up with each other in the city, then we, the game don't have no other choice but to open up to us.

PATisDOPE: We right here, you know, let 'em know where we at, we at Forest Park. You know we gonna let you know the streets. This a real nigga right here, man. I appreciate you givin' me that pass, makin' sure I'm safe around here. And, hey—

BAILEY: Motherfuckers know, you know, y'all know where, y'all in the terror dome right now. Y'all know this. Y'all know where y'all at. Don't act stupid. But we just gonna lay back and chill. You know my man good. I mean, we gonna do this. You know, we around in the little circle, you know the horseshoe, what we call, you know Beechwood, Clifton Avenue. This where it started from, Clifton Avenue, right here. You know us from the gas station, though.

LOCKLEY: Pull up at your own risk.

BAILEY: The no play zone. 5200 Boys. Flat out, man.


PATisDOPE: Most def, man. Shout out man to Muddy District. And you know he just gave you all some facts about Baltimore. The music is there. Every week they droppin' a mixtape on Spinrilla, man, check it out.

BAILEY: TCGMG, baby, 5200 Boy, Get Money Boy. Get money or get lost.

LOCKLEY: Team Cash. GMG.

Baltimore Police Department, Laboratory Section
601 E. Fayette Street, Baltimore, Maryland 21202

PAGE 1 OF 1

Submitted By Ivo M. Louvado	Dist/Div. VCID	Seq. Number G550	Date 05/17/2016	Time 06:00	Complaint Number 1-160507271	
			Location of Recovery or Seizure 7607 Reserve Circle Apt 203		Property Number 16016955	
I T E M #	<input type="checkbox"/> Seizure <input type="checkbox"/> Recovery <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Search Warrant		Analyst's Inventory			LABORATORY REPORT
			Gross Weight (Grams)	Used in Analysis (Grams)	RESULTS / SCHEDULE	
1	1 - BROWN PAPER BAG				Not Analyzed	
2	1 - FOLDED ALUMINUM FOIL WITH BROWN POWDER		7.49	0.03	Heroin / I Net Weight approximately 4.60g for unit(s) analyzed 1 of 1 Analyzed	
3	1 - CLEAR PLASTIC BAG CONTAINING BROWN POWDER		43.67	0.03	Heroin / I Net Weight approximately 42.67g for unit(s) analyzed 1 of 1 Analyzed	
4	1 - CLEAR PLASTIC BAG CONTAINING BROWN POWDER		6.58	0.02	Heroin / I Net Weight approximately 5.58g for unit(s) analyzed 1 of 1 Analyzed	
5	1 - CLEAR PLASTIC BAG CONTAINING BROWN POWDER		43.09	0.03	Heroin / I Net Weight approximately 42.07g for unit(s) analyzed 1 of 1 Analyzed	
6	1 - GREY CAPPED PLASTIC JAR CONTAINING GREEN PLANT MATERIAL		14.63	0.05	Marihuana / I Net Weight approximately 1.36g for unit(s) analyzed 1 of 1 Analyzed	
Date of Analysis from 05/23/2016 to 05/26/2016			I hereby certify that the above listed Controlled Dangerous Substance(s) was properly tested using analytical and quality control procedures that are approved by the State Department of Health and Mental Hygiene. This Report contains the opinions and interpretation of the author.			
Analysts having an identification number beginning with "A", "CA" or "C" beneath their names are certified by the Baltimore Police Department as qualified under standards approved by the State Department of Health and Mental Hygiene.			EObot C-251 Date/Time 05/26/2016 07:56 am			

JA6344

GOVT. EXHIBIT NO. DL18
CASE NO. CCB-16-0267
IDENTIFICATION _____
ADMITTED _____

Form 06/010

CC #: 1-160507271

Gun #/Run #:

Item #:

☒ All Items

Description of Item:

The releasing person certifies that the evidence described above was retained in his/her custody and control until delivered to the recipient ("Received") at the date and time stated; and that the evidence was delivered to the recipient in essentially the same condition as when it came into the releasing person's custody, except for any material or portion thereof which was consumed in analysis, retained for future analysis, and any associated markings made by the analyst.

Received: ECU (Officer Ivo M. Louvado)



Date/Time 05/17/2016 10:56 am

Received: Angela Ellis



Date/Time 05/18/2016 05:26 am

Received: CDS Vault (Angela Ellis)



Date/Time 05/18/2016 06:06 am

Received: Emmanuel O. Obot



Date/Time 05/23/2016 12:31 pm

Received: CDS Vault (Emmanuel O. Obot)



Date/Time 05/23/2016 01:53 pm

Received:

COPY

Date/Time

Received:

Date/Time

Received:

Date/Time

Received:

Date/Time

Received:

Date/Time

Received:

Date/Time

Revised 01/31/2012

JA6345

Administrative Review

- Yes Complaint Number and Property Number correctly entered in LIMS
Yes Reviewed for spelling errors, including controlled sub / Reviewed for grammatical errors
Yes Approved abbreviations used
N/A Appropriate forms included (Discrepancy, LIMS Correction, Seal Remediation, Communication log, error correction / officers request form, other)
Yes Reviewed chain of custody log
Yes Written or Label attached with Complaint Number, Property Number & initials with date on each page
Yes Review Complaint Number and Property Number on the Report

Technical Review

- Yes Correct schema conducted (Correct color tests, correct confirmation tests selected)
Yes Units Analyzed meet protocol
Yes All appropriate color tests and washes documented
Yes Correct barcode(s) on LD105
Yes Conclusion agrees with supporting documentation and DAQA-23 reflects findings
Yes Correct Schedule selected from LIMS drop down list
Yes Results documented for items analyzed / Preview DAQA-23.
Yes All instrumental documentation is attached (GC, GC/MS, IR, UV, and QUANT)
Yes Blanks correctly used and no bleed over or carry over observed.
Yes GC method correctly selected if applicable
Yes Performance check for Quality Control performed on GC if applicable
Yes GC/MS method correctly selected and documented if applicable
Yes Library Spectra referenced in case notes if applicable
Yes Net weight correctly calculated, verified, and reflected on DAQA-23
N/A Prescription drug reference source recorded if applicable
N/A Analytical balance/ large weight balance/ or another balance used referenced
Yes All Correction(s) verified

Reviewer's Comments:

Review of relevant case file documentation performed prior to court testimony
(Initials/Date) _____

Signature Blair F Laughlin

Date 05/26/2016

PRINTERS NOTE

PAGES 6347 - 6352

INTENTIONALLY LEFT BLANK TO PRESERVE
PAGINATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

CORLOYD ANDERSON,

Defendant

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:
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CRIMINAL NO. CCB-16-0267

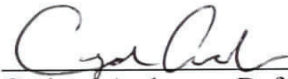
ooOoo

STIPULATION

It is agreed and stipulated by the parties that certified records of regularly conducted business activity of Maryland Live! Casino report Corloyd Anderson won \$8,100.00 on September 25, 2016. The records also report Mr. Anderson won \$70,000.00 on December 13, 2013, and that he won \$1,420 (transaction 1715) and \$1,420.00 (transaction 1716) on August 30, 2013.



Christina A. Hoffman
Lauren E. Perry
Assistant United States Attorneys



Corloyd Anderson, Defendant



Elita C. Amato, Counsel for the Defendant

DEFENDANT'S EXHIBIT NO. 15
CASE NO.: CCB-16-0267 (Anderson)
IDENTIFICATION: 4-22-2019
ADMITTED: 4-22-2019

C. If you have found RANDY BANKS guilty of Count One, and have found that one or more of the racketeering acts foreseeable to him was Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substances or Distribution and Possession with the Intent to Distribute Controlled Substances, you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him as part of that racketeering activity (check all that apply).

Type of Drug	
Heroin	
Cocaine	
Cocaine base ("crack")	
Fentanyl	
Marijuana	

D1. As to Count One, if you have found RANDY BANKS guilty of Count One, and have found that heroin was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of heroin foreseeable to him as part of that racketeering activity (check only one).

Quantity of Heroin	
One kilogram or more	
Less than one kilogram	

D2. Finally, as to Count One, if you have found RANDY BANKS guilty of Count One, and have found that cocaine base ("crack") was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of cocaine base ("crack") foreseeable to him as part of that racketeering activity (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	
Less than 280 grams	

Count Two: Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substance

A. How do you find the defendant RANDY BANKS as to Count Two of the indictment, conspiracy to distribute and possess with the intent to distribute controlled substances?

Not Guilty _____ Guilty X

B. If you have found the defendant RANDY BANKS guilty of Count Two, you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him in furtherance of the drug trafficking conspiracy (check all that apply).

Type of Drug	
Heroin	
Cocaine	
Cocaine base ("crack")	<u>X</u>
Fentanyl	
Marijuana	

C. As to Count Two, if you have found RANDY BANKS guilty of Count Two, and have found that heroin was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of heroin reasonably foreseeable to him (check only one).

Quantity of Heroin	
One kilogram or more	
Less than one kilogram	

D. Finally, as to Count Two, if you have found RANDY BANKS guilty of Count Two, and have found that cocaine base ("crack") was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of cocaine base ("crack") reasonably foreseeable to him (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	
Less than 280 grams	<u>X</u>

The foregoing constitutes the unanimous verdict of the jury.

³⁰
4/19/2019
DATE: _____

SIGNATURE REDACTED
FOREPERSON 0

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

JAMAL LOCKLEY,

Defendant

CRIMINAL NO. CCB-16-0267

ooOoo

VERDICT FORM

Count One: Conspiracy to Participate in the Affairs of a Racketeering Enterprise

A. How do you find the defendant JAMAL LOCKLEY as to Count One of the indictment, conspiracy to participate in the affairs of a racketeering enterprise?

Not Guilty _____ Guilty X

B. If you have found the defendant JAMAL LOCKLEY not guilty of Count One, proceed to Count Two. If you have found the defendant JAMAL LOCKLEY guilty of Count One, you must next determine unanimously what type or types of racketeering activity were reasonably foreseeable to him in furtherance of the racketeering conspiracy (check all that apply).

Racketeering Activity	
Murder	
Extortion	
Robbery	
Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substances	X
Distribution and Possession with the Intent to Distribute Controlled Substances	X
Witness Tampering	X
Witness Retaliation	X

C. If you have found JAMAL LOCKLEY guilty of Count One, and have found that one or more of the racketeering acts foreseeable to him was Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substances or Distribution and Possession with the Intent to Distribute Controlled Substances, you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him as part of that racketeering activity (check all that apply).

Type of Drug	
Heroin	<input checked="" type="checkbox"/>
Cocaine	<input checked="" type="checkbox"/>
Cocaine base ("crack")	<input checked="" type="checkbox"/>
Fentanyl	<input type="checkbox"/>
Marijuana	<input type="checkbox"/>

D1. As to Count One, if you have found JAMAL LOCKLEY guilty of Count One, and have found that heroin was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of heroin foreseeable to him as part of that racketeering activity (check only one).

Quantity of Heroin	
One kilogram or more	<input checked="" type="checkbox"/>
Less than one kilogram	<input type="checkbox"/>

D2. Finally, as to Count One, if you have found JAMAL LOCKLEY guilty of Count One, and have found that cocaine base ("crack") was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of cocaine base ("crack") foreseeable to him as part of that racketeering activity (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	<input checked="" type="checkbox"/>
Less than 280 grams	<input type="checkbox"/>

Count Two: Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substance

A. How do you find the defendant JAMAL LOCKLEY as to Count Two of the indictment, conspiracy to distribute and possess with the intent to distribute controlled substances?

Not Guilty _____ Guilty X

B. If you have found the defendant JAMAL LOCKLEY guilty of Count Two, you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him in furtherance of the drug trafficking conspiracy (check all that apply).

Type of Drug	
Heroin	<input checked="" type="checkbox"/>
Cocaine	<input checked="" type="checkbox"/>
Cocaine base ("crack")	<input checked="" type="checkbox"/>
Fentanyl	<input type="checkbox"/>
Marijuana	<input type="checkbox"/>

C. As to Count Two, if you have found JAMAL LOCKLEY guilty of Count Two, and have found that heroin was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of heroin reasonably foreseeable to him (check only one).

Quantity of Heroin	
One kilogram or more	<input checked="" type="checkbox"/>
Less than one kilogram	<input type="checkbox"/>

D. Finally, as to Count Two, if you have found JAMAL LOCKLEY guilty of Count Two, and have found that cocaine base ("crack") was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of cocaine base ("crack") reasonably foreseeable to him (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	<input checked="" type="checkbox"/>
Less than 280 grams	<input type="checkbox"/>

Count Ten: Distribution of Cocaine Base

A. How do you find the defendant JAMAL LOCKLEY as to Count Ten of the indictment, distribution of cocaine base?

Not Guilty _____

Guilty X

The foregoing constitutes the unanimous verdict of the jury.

7/30/2019
DATE:

SIGNATURE REDACTED

FOREPERSON 0

C. If you have found CORLOYD ANDERSON guilty of Count One, and have found that one or more of the racketeering acts foreseeable to him was Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substances or Distribution and Possession with the Intent to Distribute Controlled Substances; you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him as part of that racketeering activity (check all that apply).

Type of Drug	
Heroin	<input checked="" type="checkbox"/>
Cocaine	<input type="checkbox"/>
Cocaine base ("crack")	<input type="checkbox"/>
Fentanyl	<input type="checkbox"/>
Marijuana	<input type="checkbox"/>

D1. As to Count One, if you have found CORLOYD ANDERSON guilty of Count One, and have found that heroin was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of heroin foreseeable to him as part of that racketeering activity (check only one).

Quantity of Heroin	
One kilogram or more	<input checked="" type="checkbox"/>
Less than one kilogram	<input type="checkbox"/>

D2. Finally, as to Count One, if you have found CORLOYD ANDERSON guilty of Count One, and have found that cocaine base ("crack") was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of cocaine base ("crack") foreseeable to him as part of that racketeering activity (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	<input type="checkbox"/>
Less than 280 grams	<input type="checkbox"/>

Count Two: Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substance

A. How do you find the defendant CORLOYD ANDERSON as to Count Two of the indictment, conspiracy to distribute and possess with the intent to distribute controlled substances?

Not Guilty _____ Guilty X

B. If you have found the defendant CORLOYD ANDERSON guilty of Count Two, you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him in furtherance of the drug trafficking conspiracy (check all that apply).

Type of Drug	
Heroin	<u> X </u>
Cocaine	
Cocaine base ("crack")	
Fentanyl	
Marijuana	

C. As to Count Two, if you have found CORLOYD ANDERSON guilty of Count Two, and have found that heroin was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of heroin reasonably foreseeable to him (check only one).

Quantity of Heroin	
One kilogram or more	<u> X </u>
Less than one kilogram	

D. Finally, as to Count Two, if you have found CORLOYD ANDERSON guilty of Count Two, and have found that cocaine base ("crack") was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of cocaine base ("crack") reasonably foreseeable to him (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	
Less than 280 grams	

Count Twenty-Four: Possession of a Firearm by a Felon

A. How do you find the defendant CORLOYD ANDERSON as to Count Twenty-Four of the indictment, possession of a firearm by a felon?

Not Guilty _____

Guilty X

The foregoing constitutes the unanimous verdict of the jury.

³⁰
4/30/2019
DATE: _____

SIGNATURE REDACTED

FOREPERSON 0

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

SHAKEEN DAVIS,

Defendant

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:
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:
:
:

CRIMINAL NO. CCB-16-0267

ooOoo

VERDICT FORM

Count One: Conspiracy to Participate in the Affairs of a Racketeering Enterprise

A. How do you find the defendant SHAKEEN DAVIS as to Count One of the indictment, conspiracy to participate in the affairs of a racketeering enterprise?

Not Guilty _____

Guilty X _____

B. If you have found the defendant SHAKEEN DAVIS not guilty of Count One, proceed to Count Two. If you have found the defendant SHAKEEN DAVIS guilty of Count One, you must next determine unanimously what type or types of racketeering activity were reasonably foreseeable to him in furtherance of the racketeering conspiracy (check all that apply).

Racketeering Activity	
Murder	X
Extortion	
Robbery	
Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substances	X
Distribution and Possession with the Intent to Distribute Controlled Substances	X
Witness Tampering	
Witness Retaliation	

C. If you have found SHAKEEN DAVIS guilty of Count One, and have found that one or more of the racketeering acts foreseeable to him was Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substances or Distribution and Possession with the Intent to Distribute Controlled Substances, you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him as part of that racketeering activity (check all that apply).

Type of Drug	
Heroin	<input checked="" type="checkbox"/>
Cocaine	<input type="checkbox"/>
Cocaine base ("crack")	<input checked="" type="checkbox"/>
Fentanyl	<input type="checkbox"/>
Marijuana	<input type="checkbox"/>

D1. As to Count One, if you have found SHAKEEN DAVIS guilty of Count One, and have found that heroin was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of heroin foreseeable to him as part of that racketeering activity (check only one).

Quantity of Heroin	
One kilogram or more	<input checked="" type="checkbox"/>
Less than one kilogram	<input type="checkbox"/>

D2. Finally, as to Count One, if you have found SHAKEEN DAVIS guilty of Count One, and have found that cocaine base ("crack") was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of cocaine base ("crack") foreseeable to him as part of that racketeering activity (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	<input checked="" type="checkbox"/>
Less than 280 grams	<input type="checkbox"/>

Count Two: Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substance

A. How do you find the defendant SHAKEEN DAVIS as to Count Two of the indictment, conspiracy to distribute and possess with the intent to distribute controlled substances?

Not Guilty _____ Guilty X

B. If you have found the defendant SHAKEEN DAVIS guilty of Count Two, you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him in furtherance of the drug trafficking conspiracy (check all that apply).

Type of Drug	
Heroin	<input checked="" type="checkbox"/>
Cocaine	<input type="checkbox"/>
Cocaine base ("crack")	<input checked="" type="checkbox"/>
Fentanyl	<input type="checkbox"/>
Marijuana	<input type="checkbox"/>

C. As to Count Two, if you have found SHAKEEN DAVIS guilty of Count Two, and have found that heroin was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of heroin reasonably foreseeable to him (check only one).

Quantity of Heroin	
One kilogram or more	<input checked="" type="checkbox"/>
Less than one kilogram	<input type="checkbox"/>

D. Finally, as to Count Two, if you have found SHAKEEN DAVIS guilty of Count Two, and have found that cocaine base ("crack") was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of cocaine base ("crack") reasonably foreseeable to him (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	<input checked="" type="checkbox"/>
Less than 280 grams	<input type="checkbox"/>

Count Sixteen: Possession of Firearms by a Felon

A. How do you find the defendant SHAKEEN DAVIS as to Count Sixteen of the indictment, possession of firearms by a felon?

Not Guilty _____ Guilty X

Count Thirty: Possession of a Firearm by a Felon

B. How do you find the defendant SHAKEEN DAVIS as to Count Thirty of the indictment, possession of a firearm by a felon?

Not Guilty _____ Guilty X

Count Thirty-One: Possession with Intent to Distribute Cocaine Base

C. How do you find the defendant SHAKEEN DAVIS as to Count Thirty-One of the indictment, possession with intent to distribute cocaine base?

Not Guilty _____ Guilty X

Count Thirty-Two: Possession of a Firearm in Furtherance of a Drug Trafficking Crime

D. How do you find the defendant SHAKEEN DAVIS as to Count Thirty-Two of the indictment, possession of a firearm in furtherance of a drug trafficking crime?

Not Guilty _____ Guilty X

The foregoing constitutes the unanimous verdict of the jury.

5/30/2019
DATE:

SIGNATURE REDACTED

FOREPERSON U

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

DANTE BAILEY,

Defendant

CRIMINAL NO. CCB-16-0267

ooOoo

VERDICT FORM

Count One: Conspiracy to Participate in the Affairs of a Racketeering Enterprise

A. How do you find the defendant DANTE BAILEY as to Count One of the indictment, conspiracy to participate in the affairs of a racketeering enterprise?

Not Guilty _____ Guilty X

B. If you have found the defendant DANTE BAILEY not guilty of Count One, proceed to Count Two. If you have found the defendant DANTE BAILEY guilty of Count One, you must next determine unanimously what type or types of racketeering activity were reasonably foreseeable to him in furtherance of the racketeering conspiracy (check all that apply).

Racketeering Activity	
Murder	<input checked="" type="checkbox"/>
Extortion	<input checked="" type="checkbox"/>
Robbery	<input type="checkbox"/>
Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substances	<input checked="" type="checkbox"/>
Distribution and Possession with the Intent to Distribute Controlled Substances	<input checked="" type="checkbox"/>
Witness Tampering	<input checked="" type="checkbox"/>
Witness Retaliation	<input checked="" type="checkbox"/>

C. If you have found DANTE BAILEY guilty of Count One, and have found that one or more of the racketeering acts foreseeable to him was Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substances or Distribution and Possession with the Intent to Distribute Controlled Substances, you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him as part of that racketeering activity (check all that apply).

Type of Drug	
Heroin	<input checked="" type="checkbox"/>
Cocaine	<input checked="" type="checkbox"/>
Cocaine base ("crack")	<input checked="" type="checkbox"/>
Fentanyl	<input type="checkbox"/>
Marijuana	<input type="checkbox"/>

D1. As to Count One, if you have found DANTE BAILEY guilty of Count One, and have found that heroin was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of heroin foreseeable to him as part of that racketeering activity (check only one).

Quantity of Heroin	
One kilogram or more	<input checked="" type="checkbox"/>
Less than one kilogram	<input type="checkbox"/>

D2. Finally, as to Count One, if you have found DANTE BAILEY guilty of Count One, and have found that cocaine base ("crack") was one of the drugs foreseeable to him as part of the racketeering activity, you must next determine unanimously the quantity of cocaine base ("crack") foreseeable to him as part of that racketeering activity (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	<input checked="" type="checkbox"/>
Less than 280 grams	<input type="checkbox"/>

Count Two: Conspiracy to Distribute and Possess with the Intent to Distribute Controlled Substance

A. How do you find the defendant DANTE BAILEY as to Count Two of the indictment, conspiracy to distribute and possess with the intent to distribute controlled substances?

Not Guilty _____ Guilty X

B. If you have found the defendant DANTE BAILEY guilty of Count Two, you must next determine unanimously what type or types of drug(s) were reasonably foreseeable to him in furtherance of the drug trafficking conspiracy (check all that apply).

Type of Drug	
Heroin	<input checked="" type="checkbox"/>
Cocaine	<input checked="" type="checkbox"/>
Cocaine base ("crack")	<input checked="" type="checkbox"/>
Fentanyl	<input type="checkbox"/>
Marijuana	<input type="checkbox"/>

C. As to Count Two, if you have found DANTE BAILEY guilty of Count Two, and have found that heroin was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of heroin reasonably foreseeable to him (check only one).

Quantity of Heroin	
One kilogram or more	<input checked="" type="checkbox"/>
Less than one kilogram	<input type="checkbox"/>

D. Finally, as to Count Two, if you have found DANTE BAILEY guilty of Count Two, and have found that cocaine base ("crack") was one of the drugs reasonably foreseeable to him in furtherance of the drug trafficking conspiracy, you must next determine unanimously the quantity of cocaine base ("crack") reasonably foreseeable to him (check only one).

Quantity of Cocaine Base ("Crack")	
280 grams or more	<input checked="" type="checkbox"/>
Less than 280 grams	<input type="checkbox"/>

Count Three: Murder in Aid of Racketeering

A. How do you find the defendant DANTE BAILEY as to Count Three of the indictment, murder in aid of racketeering?

Not Guilty _____

Guilty X

Count Seventeen: Possession of Firearms by a Felon

B. How do you find the defendant DANTE BAILEY as to Count Seventeen of the indictment, possession of firearms by a felon?

Not Guilty _____

Guilty X

Count Eighteen: Possession with Intent to Distribute Heroin

C. How do you find the defendant DANTE BAILEY as to Count Eighteen of the indictment, possession with intent to distribute heroin?

Not Guilty _____

Guilty X

The foregoing constitutes the unanimous verdict of the jury.

4/30/2019
DATE:

SIGNATURE REDACTED

FOREPERSON V

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
)
vs.) CRIMINAL CASE NO. CCB-16-0267
)
RANDY BANKS,)
Defendant.)
_____)

Monday, August 26, 2019
Courtroom 7D
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE

SENTENCING

For the Plaintiff:

Christina Hoffman, Esquire
Assistant United States Attorneys

For the Defendant:

Brian Sardelli, Esquire

Also Present:

Special Agent Timothy Moore, ATF
Nikki Martin, U.S. Probation Officer

Reported by:

Douglas J. Zweizig, RDR, CRR, FCRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

P R O C E E D I N G S

(2:05 p.m.)

THE COURT: Good afternoon, everyone. You can be seated, please.

Would you like to call the case, Ms. Hoffman.

MS. HOFFMAN: Yes. This is United States versus Randy Banks. I am Christina Hoffman on behalf of the United States. I'm sorry, case number is CCB-16-0267.

With me here at counsel table is Special Agent Tim Moore from the ATF.

I don't have my co-counsel, Ms. Perry, with me today, but it is for a good reason. She gave birth to a healthy baby boy last week.

THE COURT: Oh, congratulations. That's great.

MS. HOFFMAN: Thank you.

THE COURT: Mr. Sardelli.

MR. SARDELLI: Good afternoon, Your Honor. Brian Sardelli on behalf of Randy Banks. My client, who is in custody, is on my right, Your Honor.

THE COURT: Okay. All right. Thank you.

We are here for sentencing for Mr. Banks following the jury's verdict finding him guilty of Count 2, conspiracy to distribute narcotics.

I am aware there are a number of issues that we'll have to talk about.

1 I have the Government's sentencing memorandum. I have
2 the presentence report, of course. I have the updated
3 sentencing memorandum from Mr. Sardelli.

4 And just recently I was provided with some character
5 letters which I've read as well.

6 So I think I have all of that material.

7 And I guess we might as well go ahead with the various
8 guidelines issues.

9 The presentence report calculated the quantity of
10 drugs involved at an offense level of 16. Obviously, the
11 Government disagrees with that.

12 The presentence report also assessed a four-level
13 upward adjustment for Mr. Banks being an organizer or leader of
14 a conspiracy that was extensive or involved five or more
15 participants.

16 And, anyway, there are a lot of disagreements about
17 the guidelines.

18 Other than the guidelines, is there anything specific
19 about the presentence report that the Government thinks should
20 be modified or corrected?

21 **MS. HOFFMAN:** No. Just the guidelines issues.

22 **THE COURT:** Okay. And, Mr. Sardelli, for the record,
23 I know you have obviously reviewed the presentence report.

24 Has Mr. Banks had the chance to review it with you?

25 **MR. SARDELLI:** We have, Your Honor.

1 And then the original objections were filed July 15th;
2 that's ECF-1247.

3 So the Court's correct, most of our issues are with
4 the scoring of the guidelines, Your Honor.

5 **THE COURT:** Okay. All right. Well, let me go ahead
6 and start in on that.

7 I will start with the Government. And if you'd like
8 to tell me where you are on each guidelines issue, I'm happy to
9 hear from you.

10 **MS. HOFFMAN:** Sure. Thank you.

11 I'll start just with a little bit of background about
12 the law. Obviously, Your Honor read the sentencing memo, but I
13 do think it's clear from Supreme Court and Fourth Circuit case
14 law that the standard of proof at sentencing, unlike the
15 standard of proof when the jury is making its determination, is
16 a preponderance of the evidence, and that the Court may
17 consider both uncharged but also acquitted conduct. So conduct
18 that the jurors did not unanimously agree upon beyond a
19 reasonable doubt.

20 And, in fact, we did cite to a Fourth Circuit case
21 that actually reversed and remanded where the District Court
22 said, you know, I'm not going to invade the province of the
23 jury and declined to consider acquitted conduct. And the
24 Fourth Circuit said no, the Court must consider acquitted
25 conduct as well, and obviously we think that's important.

1 We think the Supreme Court's decision in Witte is
2 important too. It's also cited in our memo. That's
3 515 U.S. 389, and that's the case in which the Court approved
4 the District Court's consideration of other drug transactions
5 that the jury had not determined in making its verdict, and
6 that resulted in a guidelines range that was actually over 200
7 months higher than what it would have been otherwise.

8 And so I'll start -- with that background, I will
9 start with the drug-trafficking quantity, which I think is the
10 biggest issue in dispute.

11 We do think that a clear preponderance of the evidence
12 presented at trial established that Randy Banks was
13 responsible, he was part of a conspiracy that distributed
14 280 grams or more of crack cocaine, that the base offense level
15 should be set at a Level 30.

16 And we've included a lot of detail about the witness
17 testimony and exhibits in the sentencing memo, but I'll kind of
18 give an overview of it again here.

19 So five witnesses testified that Randy Banks -- who
20 also went by Dirt or Sand -- was a leader of
21 Murdaland Mafia Piru, or MMP, in the Gwynn Oak and
22 Liberty Heights area and that he supplied crack cocaine to the
23 members of the gang who operated there.

24 So members and associates of the gang, rivals of the
25 gang, they all agreed that Dirt oversaw that drug shop at

1 Liberty Heights and Gwynn Oak.

2 And the witnesses testified, we think, remarkably
3 consistently.

4 I referred to them by initials in the sentencing memo,
5 but I'll refer to them by their names here. They did testify
6 in open court.

7 William Banks, Jay Greer, and Devin Ferguson all said
8 that the defendant had a house near Gwynn Oak and
9 Liberty Heights where his operation would sell crack cocaine
10 during the nighttime hours. And they would sell -- they said
11 they would sell along the side and in back of the house.

12 And both Ferguson and Malcolm Lashley mentioned a
13 trap house near Gwynn Oak and Rogers.

14 And their testimony was corroborated by
15 Officer Jason DiPaola of the Baltimore Police Department who
16 arrested the defendant on May 12th of 2016, after watching him
17 direct drug customers at a house that was known for
18 drug-trafficking activity over the nighttime hours at
19 5509 Gwynn Oak Avenue, and that's right near the intersection
20 of Rogers Avenue, so consistent with both what Malcolm Lashley
21 and Devin Ferguson testified to.

22 On that occasion, Baltimore police officers stopped
23 three drug customers who were leaving the location, and all had
24 small baggies of crack cocaine on their persons.

25 The total volume of crack cocaine seized that day was

1 very small. It was less than a gram.

2 But it is, nevertheless, highly corroborative of what
3 the witnesses all testified to.

4 Devin Ferguson testified that the individual
5 transactions on a day-to-day basis were typically small. They
6 were often just a \$10 bag of crack cocaine per transaction.

7 However, he testified that these transactions went on
8 at all hours of the day and night. Sometimes as frequently as
9 every few minutes.

10 William Banks and Jay Greer both also mentioned
11 another trap house in the area where the defendant would cook
12 up and sell drugs.

13 Banks said he thought it was near Bowers and Norwood.

14 Greer wasn't sure exactly where it was but knew it was
15 near Liberty Heights and Gwynn Oak.

16 And both of them identified pictures from inside of
17 that trap house.

18 I did also want to note, the defendant's prior arrests
19 for distribution of crack cocaine in the Gwynn Oak and
20 Liberty Heights area I think are relevant here.

21 We didn't seek to introduce the facts pertaining to
22 those prior arrests as 404(b) evidence at trial, but I think it
23 is relevant that on three prior occasions, the defendant was
24 arrested in that area and police officers recovered
25 crack cocaine, drug paraphernalia, and in one instance a

1 firearm and boxes of ammunition from him, and those arrests are
2 outlined in the presentence report.

3 **THE COURT:** You're relying on the presentence report
4 for that information; right? That was not introduced at trial?

5 **MS. HOFFMAN:** It was not. We didn't -- it would have
6 had to be 404(b) because it preceded the date range of the
7 conspiracy, and we didn't seek to introduce it under 404(b).
8 In hindsight, maybe we should have tried to do that.

9 But I, nevertheless, think it is -- it's relevant
10 information for the Court to consider at sentencing and
11 certainly also corroborates what the witnesses said, that on
12 three prior occasions, in the decade before the charged
13 conspiracy, the defendant was arrested for offenses involving
14 distribution of crack cocaine in that same area.

15 So that's the background kind of overview of what the
16 witnesses testified to. That's before we even get to the
17 specific transactions that the witnesses testified to.

18 Of course, for purposes of a conspiracy, it's not
19 necessary that we prove that the defendant himself personally
20 distributed 280 grams or more of crack cocaine.

21 What is important is the quantity that was reasonably
22 foreseeable to him that members of the conspiracy would
23 distribute as a whole.

24 But here we actually have witnesses who testified to
25 specific transactions that the defendant himself engaged in.

1 So we have Malcolm Lashley, who testified that in 2010
2 or 2011, he drove his brother, Melvin Lashley, who was a member
3 of MMP, Murdaland Mafia Piru, to a house near Gwynn Oak and
4 Rogers, where his brother met with the defendant to purchase
5 crack cocaine.

6 And he said that he saw his brother go up to the
7 house, meet with the defendant on the porch of the house. They
8 went inside the house together. His brother came back out, got
9 in the car, and he saw the crack cocaine that his brother had
10 just purchased, and he said it was roughly a quarter of an
11 ounce, which is roughly 7 grams.

12 Jay Greer also gave very detailed testimony about an
13 incident in the summer of 2015, when he went with Dante Bailey
14 and the defendant to the defendant's trap house in the
15 Gwynn Oak and Liberty Heights area. And the defendant cooked
16 500 grams of powder cocaine into crack cocaine on that
17 occasion, so that's 500 grams on a single occasion, which is
18 itself well over the 280-gram threshold.

19 And he gave a lot of specific details about what that
20 process entailed. It entailed a stove, baking soda.

21 Now, the witnesses who testified at trial, of course
22 they did have baggage. Most of them were testifying pursuant
23 to cooperation agreements. They were facing sentences and they
24 were hoping for sentencing leniency, and that's certainly
25 something that the Court should consider.

1 But I think that they all testified extremely credibly
2 and consistently. And their testimony backed up -- they backed
3 up one another, but it was also corroborated by law enforcement
4 surveillance, of course, but also by photographs and
5 documentary evidence.

6 And I did want to remind the Court about a couple of
7 exhibits that came in at trial.

8 This was IC-52. And this was a photograph that
9 William Banks identified as the inside of one of the
10 defendant's trap houses. And you can see the defendant here on
11 the left with Dante Bailey in the middle making -- and they're
12 both making gang signs.

13 On the table in front of them, you can see there's a
14 small digital scale with what looks like white powdery residue
15 on top of it. So completely consistent with the testimony of
16 Jay Greer and William Banks about what went on in that
17 trap house.

18 And this is a second photograph of the same
19 trap house. You can see the digital scale again. And in this
20 one, Dante Bailey is, of course, making that M sign for
21 Murdaland Mafia Piru.

22 We also introduced at trial Government's Exhibit
23 CELL-15A. This was photographs and data extracted from a
24 cell phone that was recovered from Dominick Wedlock on
25 February 12th of 2015. And Dominick Wedlock was identified by

1 numerous witnesses as another member of Murdaland Mafia Piru.
2 As Your Honor knows, he pleaded guilty prior to trial in this
3 case.

4 The phone contained a number of gang-related
5 photographs, and one of them -- and I'll show a better copy of
6 this photograph here, but it was this photograph from -- it
7 says it has a created date of November 2014.

8 And on the last page here is a kind of blow-up version
9 of that same photograph. And it's a little bit easier to see
10 if I move it up a little bit.

11 But that's the defendant on the right who's standing
12 next to Dominick Wedlock. The defendant is making an MMP gang
13 sign. It's hard to see in this picture, but this was a sign
14 that William Banks identified as an MMP gang sign.

15 And on the table in front of them, you can see a
16 sifter, newspaper, and what looks like baking soda in this box
17 over here (indicating).

18 So that is highly corroborative of what Jay Greer
19 testified to about the time when he went with Dante Bailey to
20 Randy Banks' trap house and watched the defendant cook
21 500 grams of powder cocaine into crack cocaine.

22 There's also a search warrant that was executed on
23 Dante Bailey's iCloud account in June 2015 and an O sheet, what
24 appears to be an O sheet, recovered from that account.

25 It's hard to tell what exactly these numbers refer to,

1 but we do think that this is a reference to either quantities
2 or shorthand for money owed for drug transactions. And we have
3 10 Dirt listed here under quantities for Bo, Creams, and Fish,
4 who the Court heard evidence were also members of the
5 conspiracy.

6 So those are just a few of the pieces of evidence that
7 corroborated the witness testimony on the drug quantity
8 specifically.

9 I'm happy to move on to the other guidelines issues
10 that are in dispute or I can give the defense a chance to
11 respond on drug quantity. Whatever the Court prefers.

12 **THE COURT:** Why don't you move on to the other
13 guidelines issues. I'll take them altogether.

14 **MS. HOFFMAN:** Okay. So the second issue in dispute is
15 the four-level bump for leadership role. The presentence
16 report does conclude that that four-level increase is
17 warranted, and we agree.

18 Again, five witnesses testified that the defendant was
19 a leader of Murdaland Mafia Piru; that specifically he was a
20 boss of the Gwynn Oak and Liberty Heights area, he and
21 Ayinde Deleon, who also went by Murda or Yin, were the two
22 bosses in that area.

23 And their testimony was corroborated by all kinds of
24 evidence.

25 I guess -- actually, I'm going to start by giving an

1 overview of the testimony regarding the number of people who
2 the defendant oversaw.

3 The guideline requires, for the leadership role bump,
4 that the defendant be an organizer or leader of criminal
5 activity involving five or more participants.

6 And these five witnesses, between them, identified
7 over five people who worked in Dirt's drug shop and were
8 overseen by them.

9 One of them was Devon Dent, also known as Tech, who
10 pleaded guilty prior to trial in this case.

11 Another was Delante Lee, who also pleaded guilty prior
12 to trial in this case.

13 The third was Dante Harris, also known as Eastside,
14 who was killed in the summer of 2016.

15 Another was Desean McCorkle, a/k/a Sheisty.

16 Another was Darius Stepney, also known as Conehead.

17 Another was Antonio Walker-Bey, also known as Tone.

18 And another was Maurice Braham, also known as Mookie,
19 who was also killed prior to trial in this case.

20 So the five witnesses identified more than five people
21 who sold crack cocaine that they had supplied to them by the
22 defendant and were overseen at that drug shop.

23 Their testimony was corroborated by gang paperwork.
24 We introduced at trial gang paperwork that was recovered from a
25 car operated by Devon Dent, also known as Tech, in November of

1 2012. And it's a really lengthy piece of paperwork outlining
2 how Murdaland Mafia got started, what it's about, different
3 rules of conduct, including that retaliation is a must and
4 people who cooperate with authorities are punishable -- that's
5 an offense punishable by death.

6 And on one page of this gang paperwork, it lays out
7 some of the original leaders of the gang. And it says here
8 [reading]: The mob flourished in West Baltimore within the
9 Gwynn Oak area under the tutelage of Dirt, who was a reflection
10 of Murda.

11 So that is, again, consistent with what the witnesses
12 testified to about Dirt and Murda being the bosses of MMP in
13 that area.

14 We also introduced gang paperwork that was recovered
15 from Dante Bailey's residence at 3901 Princely Way on July 3rd
16 of 2015. This was a handwritten document in Dante Bailey's
17 handwriting.

18 And on the second page of this document, there's a
19 list of certain positions in the gang and who is filling them
20 at that particular time.

21 And it says boss of finance, BOF, Sand, and it was --
22 the witnesses testified at trial that Sand was an alias of the
23 defendant (indicating).

24 Again, on the next page, boss of finance, roundtable.
25 There are certain positions listed here. And it says, "Sand

1 must fill these spots."

2 Again, consistent with what the witnesses testified
3 to.

4 There were pieces of evidence introduced from
5 Dante Bailey's iCloud account in the form of slideshows. One
6 of them identified the defendant Randy Banks here (indicating)
7 as BOF, which we think stands for boss of finance.

8 Again, it also identifies Adrian Spence,
9 a/k/a Spittle, as a boss (indicating).

10 Dante Bailey in the center, it says GF, which stands
11 for godfather (indicating).

12 And this is all consistent, it says -- it's "LaEMMs
13 for life," which stands for Murdaland Mafia. This is all
14 consistent with what the witnesses testified to at trial.

15 At the very beginning of the trial, I think it was
16 actually the defense that introduced a rap video called
17 "Murdaland Mafia" that the defendant was featured in. I had
18 hoped to play a short clip of it here, but we couldn't get the
19 HDMI working.

20 But I will just remind the Court, this was a video in
21 which the defendant was prominently featured.

22 At the very beginning -- it was published to YouTube
23 in November of 2013. At the very beginning, you can see it
24 actually says "Murdaland Mafia." This is the defendant here
25 (indicating). He's standing next to Dante Bailey and

1 Dontray Johnson, a/k/a Bino, who pled guilty prior to trial in
2 this case.

3 And I have a few screenshots from this video.

4 There is a video of the intersection at Gwynn Oak and
5 Liberty Heights (indicating).

6 There are a number of clips of the defendant standing
7 with other members of the gang making gang signs.

8 So here's one standing with Dontray Johnson over here
9 (indicating); William Banks in the center (indicating);
10 Dante Bailey is behind (indicating); and I believe that's
11 Sydni Frazier over here (indicating).

12 And then, very significantly -- and this ties into the
13 enhancement that we think should apply for the firearm as
14 well -- but at the end of this video, there are two members of
15 the gang who actually flash actual firearms in the video, and
16 the defendant is standing right there amongst them making gang
17 signs with them. And so we think that's highly relevant.

18 Even if the Court doesn't credit the testimony that
19 I'll get to in a minute, I think this is concrete evidence that
20 the defendant was part of a conspiracy that involved the use of
21 firearms and knew that firearms were being used.

22 This is -- again, it would be better if I could play
23 the actual video, but this is a screenshot that shows
24 Dontray Johnson starting to pull a handgun out of his pocket
25 here (indicating).

1 Dontray Johnson, obviously a convicted felon at the
2 time, not lawfully in possession of that firearm.

3 And then the second screenshot here, again,
4 Dontray Johnson is starting to pull his firearm out and this
5 other individual, who there was, I think, some testimony about
6 him at trial, that's Donte Blackston, also known as Chi-Chi, he
7 also has an actual firearm here too.

8 And then right here is a black Mercedes-Benz, which is
9 significant, because this is the car that several witnesses
10 testified the defendant drove, that he drove a black
11 Mercedes-Benz.

12 And he is in this group of people when these firearms
13 are flashed.

14 Here's one final screenshot from the video of the
15 defendant making the M sign, clearly for "Murdaland Mafia"
16 (indicating), standing next to several other members and
17 leaders of the gang also making M signs.

18 We also introduced a whole bunch of photographs from
19 various sources -- from cell phones, from social media, from
20 Dante Bailey's iCloud account. I won't go through all of them
21 now. Your Honor sat through six weeks of trial.

22 But a lot of photographs where the defendant is
23 standing with other leaders of the gang making MMP gang signs,
24 which we think is very corroborative of what the witnesses
25 testified to.

1 This one actually is significant also to the firearms
2 issue because -- it may be not as clear-cut as the last series
3 of photos, but here Dante Bailey is wearing this red shirt and
4 these kind of multi-colored jeans (indicating).

5 And the next photo in the iCloud account is -- it
6 appears to be Dante Bailey wearing that same clothing with a
7 gun with an extended clip (indicating). And that looks like a
8 bag of marijuana (indicating).

9 It doesn't show the defendant in the picture, but I
10 think it's still relevant to the issue of whether firearms --
11 whether it was perceivable to the defendant that firearms would
12 be used in furtherance of this conspiracy.

13 And I'll just put up here, just to make sure the
14 record is complete, a few additional photographs from the
15 defendant's iCloud. This is MMP with the defendant and
16 Dante Bailey.

17 The defendant and Dante Bailey, "Shit I kill and die
18 about" (indicating).

19 Additional photographs of the defendant making gang
20 signs with other members of the gang.

21 There were quite a lot that were introduced at trial.

22 This one of the defendant making an MMP gang sign with
23 a whole number of people.

24 And then here's a photograph of the defendant in a --
25 what appears to be a black Mercedes-Benz that looks very

1 similar to the shot of the black Mercedes-Benz that we saw just
2 a moment ago from the video next to the people flashing
3 firearms.

4 So it all ties up and I think makes a compelling case
5 for all three of those enhancements.

6 And then, finally, on the firearms enhancement, there
7 was a witness, Devin Ferguson, who testified at trial about a
8 specific incident in the spring of 2016. This was shortly
9 after Maurice Braham, a/k/a Mookie, was killed, who was a
10 member of MMP and also a close associate of the defendant's.

11 And Devin Ferguson testified that the defendant
12 confronted him. He was at a candlelight vigil for someone from
13 his rival gang who had been killed. The defendant confronted
14 him with a firearm, demanded to know who had killed Mookie, and
15 said something along the lines of "You'll all be dead by the
16 end of summer."

17 And we also presented some evidence at trial about one
18 murder, the murder of Dante Harris, a/k/a Eastside, which
19 happened that summer and we think was part of the fallout from
20 Mookie's murder.

21 And I did want to show -- this was introduced at
22 trial. It was evidence from Desean McCorkle, a/k/a Sheisty's
23 Instagram account, who was one of the people who worked under
24 the defendant at Gwynn Oak and Liberty Heights.

25 This is at Mookie's funeral. You can see the

1 defendant here in the center making an MMP gang sign standing
2 with McCorkle, Ayinde Deleon, and others (indicating).

3 And this is the funeral where they draped the
4 MMP banner over Mookie's casket. It says "MMP" down here
5 (indicating) and then "MIP," which I think means mobbin' peace.

6 But in early July of 2016, Dante Harris,
7 a/k/a Eastside, who was identified as a member of
8 Murdaland Mafia Piru, was murdered.

9 And William Banks testified at trial that he heard
10 from Ayinde Deleon, Murda, that Eastside had been killed
11 because he was associating with someone named Ro-Ro. That's
12 the street name for someone who investigators have identified
13 as Rashard Pierce, who's another member of that rival gang, of
14 Devin Ferguson's rival gang.

15 And so William Banks testified that Eastside was
16 allegedly affiliating with Ro-Ro, the person who was suspected
17 of having killed Mookie, and that it was actually members of
18 MMP from that Gwynn Oak and Liberty Heights area that killed
19 Eastside basically as retaliation for affiliating with the
20 enemy and for not giving up his whereabouts when they asked him
21 to do that.

22 There was a wire call that was introduced at trial
23 that was consistent with that account in which Dante Bailey and
24 Jamal Lockley discussed -- Dante Bailey asked [reading]:
25 What's going with Sand and them? -- Sand being the defendant.

1 And Jamal Lockley said, [reading]: Well, you heard
2 Eastside got killed. I heard he was playing the 50/50 -- which
3 is sort of street terminology meaning that he was playing both
4 sides of the fence.

5 And then Dante Bailey basically interjects and says
6 [reading]: Yeah, yeah, I heard about that. I already knew
7 that was supposed to happen when fat man came home.

8 So consistent, I think, with what William Banks
9 testified to.

10 And then this was not introduced at trial, but we did
11 reference it. We discovered it shortly after trial and turned
12 it over to Mr. Sardelli, the audio of the jail call. And it's
13 a jail call from another individual named Dante Yates, who's
14 not someone who came up at trial, but they talk about the
15 Eastside murder in this jail call.

16 And I would play a clip of it, but I can't get the
17 HDMI to work. But this is just a rough transcript which was
18 also summarized in the sentencing memo.

19 Yates says [reading]: They killed Eastside -- this is
20 shortly after Eastside was killed -- Yates says [reading]:
21 They killed Eastside.

22 He again says [reading]: I heard they killed Eastside
23 the other day.

24 And then he says [reading]: "N" words ain't playin'.
25 Them "N" words gonna get an indictment.

1 It says [reading]: Everybody's gonna tell. Somebody
2 gonna tell on, somebody going to tell. Mark my word. And "N"
3 word going to get an indictment. They're going to go to
4 prison, I swear.

5 And then he says [reading]: And Yin and Dirt, they
6 going down as the head ringleaders. Them "N" words gonna tell
7 they gave the orders; know what I mean?

8 And then again down here he says [reading]: "N" words
9 like that can't last. Can't keep killin' everybody for no
10 reason just because you feel as though they ain't right. They
11 killed Eastside because he was hangin' with Ro-Ro.

12 So, again, consistent with the testimony that came in
13 at trial and I think additional evidence that goes to that
14 firearms enhancement and corroborates Devin Ferguson and
15 William Banks.

16 And unless the Court has questions, that, I think,
17 covers all three proposed enhancements.

18 **THE COURT:** Okay. Thank you. I appreciate that.

19 Mr. Sardelli.

20 **MR. SARDELLI:** Thank you.

21 I guess to start working backwards, Your Honor, this
22 additional phone call that the Government gave to us after
23 trial, I think we put in our additional objections in the
24 sentencing memorandum that we're objecting to any new evidence,
25 Your Honor.

1 I think in the sentencing memorandum, they also
2 referenced that call talking about a fat man or a fatso.

3 Our position is that that's Dante Bailey, Your Honor.

4 In fact, you know, during the trial, I chastised my
5 client and other people for talking with each other during the
6 trial. My client specifically referred to him as fat man or
7 fatso.

8 So I -- I'm not clear from that call at all whether or
9 not that's my client, Dante Bailey, or whoever else is going
10 on.

11 I think we got a lot of what I call street gossip and
12 street hearsay on wiretaps and various other evidence in this
13 case, Your Honor.

14 So we would object to the late disclosure of that
15 call, Your Honor. We would object about what that call
16 actually means, Your Honor.

17 That call, I think, was from way back before the trial
18 ever started. So we are still not clear why that wasn't
19 disclosed during trial, before trial at some point, Your Honor.
20 The Government did give us a copy after trial, that's correct,
21 Your Honor.

22 But we dispute that call. And if that call has any
23 links at all to this case, which they do, it appears to the
24 defense that that is -- fat man or fatso would be Dante Bailey
25 they're talking about, not my client, Your Honor.

1 So going -- with that said, Your Honor, going back one
2 by one through each of the enhancements.

3 While we respectfully disagree with the probation
4 officer, their recommendations of 41 to 51 months, which is a
5 16-plus for leader/organizer, while we respectfully disagree
6 with that, that's within the realm of reason, Your Honor.

7 The idea of 20 years or 27 to 33 years but for the
8 statutory cap is highly unreasonable, Your Honor.

9 Specifically, the idea that the Government wants to
10 hold -- the Court to hold the defendant liable for actually
11 above the 280 grams, our position is that the Court cannot do
12 that, and here's why, Your Honor.

13 I reviewed the Government's sentencing memo which they
14 filed on Tuesday, Your Honor. I think they've got some very
15 good points, but those cases are distinguishable.

16 Specifically, the 280 grams, Your Honor, it's -- we --
17 when we were back in chambers and during court -- the verdict
18 sheet is what I'm talking about now, Your Honor -- the verdict
19 sheet, we had specifically requested that it just be a line,
20 that the Court -- or the jury say if you're guilty of
21 crack cocaine, fill in the amount or whatever it was.

22 The Court created basically a structure to the amounts
23 in this case, and so they found my client not guilty of Count 1
24 but guilty of the drug count.

25 **THE COURT:** Right.

1 **MR. SARDELLI:** And they said what was reasonably
2 foreseeable was less than 280 grams.

3 And the cases the Court cites -- not the Court, but
4 the Government cites in their sentencing memorandum aren't on
5 point with that. I did not see any case or any authority that
6 would allow the amounts of the drug in this case to go in
7 excess of what the jury actually found.

8 If the jury had found in excess of 5 kilograms or
9 more, I think that would be a different case, Your Honor.

10 But in this case they specifically found less than
11 280 grams.

12 I think the Government's sentencing memo was on point
13 with some of the other things about -- there's two different
14 standards here. There's beyond a reasonable doubt and
15 there's --

16 **THE COURT:** Well, let me ask, by preponderance of the
17 evidence, there are a lot of levels between 0 and 30.
18 Offense Level 28, for example --

19 **MR. SARDELLI:** Yes, Your Honor.

20 **THE COURT:** -- would fall below the 280 grams.
21 Obviously, it's significantly more than you're requesting.

22 **MR. SARDELLI:** Yes, ma'am.

23 **THE COURT:** But your legal objection would not apply
24 if I went no higher than an offense level 28?

25 **MR. SARDELLI:** Exactly, Your Honor. The probation

1 officer, I think -- for my interpretation of the -- we're -- we
2 object to -- there's basically three drug incidents that
3 they're scoring or they want -- the Government wants the Court
4 to score to get to where they want to go. The 500 grams for
5 Champagne about cutting up this -- that's number 1.

6 Number two is 2010-2011, Lashley, who claimed that 8,
7 9 years ago, my client was involved in I think it was 7 grams
8 of crack cocaine.

9 And then obviously the Officer DiPaola thing, which is
10 .77 grams or less than 1 gram.

11 What I believe Probation did was they said exactly
12 that, which is, all right, we're going to hit him with
13 .77 grams for DiPaola; with 7 grams for Lashley; but because
14 the 500 grams is above what the jury actually found, they
15 didn't hit him with that. I can't speak for Probation, but
16 that's what seems like it makes sense to me, Your Honor.

17 Now, underlying that -- and I'll get more into that --
18 we contest whether or not the preponderance-of-the-evidence
19 standard has been met with anything beyond Officer DiPaola, and
20 I can explain that a little bit later.

21 But the Court is correct, I think the Court has wide
22 discretion with the enhancements and other things as well,
23 Your Honor.

24 But where I think the jury constricts or restricts
25 what the Court should do is based on that, because the Court

1 literally would be finding above 280 grams.

2 And it's not conjecture, guessing. Their verdict
3 sheet specifically says less than 280 grams. And there aren't
4 any cases that I've found on point that the Supreme Court or
5 the Fourth Circuit said despite that, you still can go beyond
6 the 280 grams. I did not find that.

7 An upward adjustment, something -- other reason
8 possibly, Your Honor.

9 But specifically, I think that jury verdict sheet
10 really ties the hands and the plain language of what the jury
11 found ties the hands above that, and my guess is that's why
12 Probation did not assess him or hit him for the 500 grams for
13 a/k/a Champagne.

14 Going through those one by one, Your Honor, the jury
15 obviously was not a runaway jury in this case, Your Honor.
16 There's a reason why all the other defendants that went to
17 trial pretty much were found guilty of everything and were
18 found reasonably foreseeable for almost all of it. Unless -- a
19 generality is not true for a point-by-point, but generally, the
20 other defendants who went to trial were convicted of everything
21 else and found reasonably foreseeable for everything else, and
22 there's a good reason for that, because there was so much
23 street gossip, street conjecture, Your Honor, I call it.

24 When you look at the hard facts and the evidence, it
25 pretty much comes down to the following:

1 Champagne, the 500-gram incident.

2 Officer DiPaola, the .77-gram incident.

3 Lashley, from back in 2010-2011, according to him,
4 7 grams.

5 And then this alleged threat involving Mookie -- who,
6 by the way, Your Honor, is the defendant's cousin.

7 And I saw no -- even if you believe the testimony of
8 the one cooperator -- and the Government brought up all these
9 sources, Your Honor. Our main contention with all of these
10 sources is that they're single-source. Lashley is the only one
11 that testified about the 7 grams in 2010-2011.

12 Champagne is the only one that testified about the
13 500 grams, whatever the date of that was, Your Honor, between
14 the dates of the conspiracy.

15 DiPaola, we -- again, if you look at the Government's
16 objections or the defense objections and sentencing memorandum,
17 we believe, based on the note the jury sent to the judge and
18 also some of the other jury notes and instructions, they found
19 him guilty specifically of that. Of all the evidence in this
20 case, although we disagree with it, Officer DiPaola's was
21 probably the most solid, on-point evidence.

22 And based on the jury's note to the Court, we believe
23 that's what they found him guilty of, the .77 grams, which is
24 why I wish -- and I understand the Court didn't agree with
25 us -- I wish they would have had a specific amount defined so

1 we wouldn't have to guess in this case, Your Honor. So that
2 was solid evidence.

3 But the other sources, Lashley, Champagne, this
4 alleged threat at Mookie's memorial, funeral, whatever it was,
5 are all single-source, Your Honor.

6 **THE COURT:** Let me disagree with you slightly on that
7 point. I mean, I understand what you're saying, each
8 specific --

9 **MR. SARDELLI:** I'm sorry, I'm just going to grab some
10 water, Your Honor.

11 **THE COURT:** Sure.

12 For that specific incident, there was one witness.
13 But I don't think it's reasonable to ignore the other witnesses
14 who testified about Mr. Banks' involvement in drug dealing
15 generally.

16 There were a number of witnesses that testified to his
17 involvement generally in drug dealing in the Liberty Heights
18 and Gwynn Oak area.

19 **MR. SARDELLI:** But the defense problem with that,
20 Your Honor, is a lack of specificity. They are very --
21 generalities. But when you come down -- you cut down to the
22 incident, you're talking about four incidents: Champagne's
23 500 grams, the DiPaola incident, the Lashley incident, and the
24 incident regarding the threats surrounding Mookie's memorial,
25 Your Honor. Four incidents that we're talking about that are

1 actual evidence against my client. The rest of it is a lot of
2 rumor and conjecture, Your Honor. So we would slightly
3 disagree with that.

4 **THE COURT:** Okay.

5 **MR. SARDELLI:** Only because the Court still has to
6 find -- I think the Court understands my objection to above the
7 280 grams.

8 **THE COURT:** I do understand that.

9 **MR. SARDELLI:** But even below it, Your Honor, you
10 still have to find by the preponderance of the evidence --

11 **THE COURT:** Yes. Right.

12 **MR. SARDELLI:** -- that these things occurred. And
13 we're just presenting these things that it's a sole source.
14 All right.

15 I know they've got -- the Government argues that you
16 can take them all together and perhaps they all mesh, but each
17 of those ones is a sole source.

18 It's not like -- for example, the memorial,
19 Your Honor, there were allegedly 30, 40 people who were present
20 when all this happened, yet the Government only produced one
21 witness to talk about this.

22 If there were 30 or 40 people there, why weren't there
23 additional witnesses to corroborate what this one witness said,
24 Your Honor?

25 So our position is that the Court needs to be very

1 suspicious of single-source evidence of witnesses, especially
2 if those witnesses have an obvious motive to reduce their
3 sentence or are cooperating defendants, I think that puts even
4 more -- makes their evidence even more suspect based on the
5 fact that they had a motivation as cooperating defendants in
6 this case, Your Honor.

7 Also, going back to the gun part of this, Your Honor,
8 I think they want a plus two for the gun and a plus two for the
9 threat, if I'm understanding their position correctly,
10 Your Honor.

11 **THE COURT:** Right.

12 **MR. SARDELLI:** It was -- I don't think that the
13 Government challenges this, Mookie is the defendant's cousin.
14 And for the plus two to apply, Your Honor, there would have to
15 be -- if this happened -- and we contest it, Your Honor -- but
16 if it happened, they have to prove that this isn't some type of
17 family beef or family issue based on the family relation that's
18 in furtherance of gang activity or drug-trafficking activity.

19 I didn't see any evidence during the trial or that the
20 Government talked about today that would differentiate what was
21 based on family ties and what was based on gang and family --
22 excuse me, gang and drug activity, Your Honor.

23 If this was done based solely on a family tie and a
24 family beef or anger about a family member being killed,
25 Your Honor, that would not get the plus two for the gun and it

1 wouldn't get the plus two for the threat, Your Honor.

2 Also, when you're talking about the leader/organizer
3 part of this, Your Honor, again, the other defense attorneys
4 did a very good job. I was specifically impressed with
5 Teresa Whalen and Paul for Mr. Bailey and all the other defense
6 counsels. They all did a very good job.

7 And what makes this case different, though, is that
8 the evidence against Randy Banks clearly was deficient in the
9 jury's mind.

10 And why I think the Court -- I don't want to limit the
11 Court's ability to consider things here besides the 280 grams
12 or above.

13 But I think the Court can consider the fact that the
14 note sent out right before the verdict said they were evenly
15 split.

16 I know the Court commented that it had instructed the
17 jury not to tell the Court that.

18 But I would ask the Court to consider the fact that
19 this wasn't just one holdout, two holdouts. They were,
20 quote/unquote, evenly split.

21 Now, that note came before or after the note about
22 wanting additional evidence about the DiPaola incident.

23 Now, the DiPaola incident, I think, again, is the
24 strongest evidence the Government has in this case.

25 Even if we disagree and dispute that, Your Honor, that

1 is the strongest evidence that they have. That's why we
2 believe the strength of that evidence, the notes sent out --
3 the two notes right before or around the time of the verdict
4 support the idea that the jury convicted him solely of that one
5 incident.

6 And we also believe, Your Honor, even by the
7 preponderance-of-the-evidence standard, the other incidents are
8 not supported because they're one source and not corroborated,
9 Your Honor.

10 **THE COURT:** Okay.

11 **MR. SARDELLI:** All right. Thank you.

12 **THE COURT:** All right. Thank you.

13 I'll go back to the Government, and then, of course,
14 back to Mr. Sardelli, you had also, I think, advanced an
15 argument about criminal history. I didn't know if you were
16 pressing that.

17 **MS. HOFFMAN:** Yes. Yes.

18 We are still moving -- I'm sorry, let me just -- that
19 was in a different place here.

20 We are moving for an upward departure under -- it's
21 Guideline 4A1.3(a)(1).

22 The PSR has the defendant in a Criminal History
23 Category III, and we believe that he's more appropriately
24 considered a Criminal History Category IV.

25 And the specific language of the guidelines says that

1 there can be an upward departure under (a) --
2 Section (a)(2)(8), if the defendant has more than one prior
3 sentence of substantially more than one year imposed as a
4 result of independent crimes committed on different occasions
5 that did not score points.

6 And in this case that's exactly what we have. We have
7 two felony drug convictions involving very similar conduct to
8 the offense at issue in this case that didn't score points
9 because of their age.

10 And I think Your Honor is probably also aware there
11 have been a number of defendants, 20 or so defendants, who pled
12 guilty prior to trial and had -- they qualified as career
13 offenders because of, in some cases, just two low-level recent
14 drug-trafficking offenses.

15 Here I think what we have is -- what the PSR indicates
16 is that this is a lifetime of criminal activity over many
17 decades, and it's -- we think it's important that these
18 criminal convictions are all for similar conduct. They all
19 involve drug trafficking, specifically crack cocaine in the
20 same area.

21 One of them involves a loaded firearm and boxes of
22 ammunition.

23 And we think that -- we're not asking for an upward
24 departure to put the defendant in Criminal History Category V
25 or VI, but we do think an upward departure to put him in just

1 one level higher, Level IV, is appropriate in this case because
2 those convictions should be considered by the Court.

3 Notwithstanding their age, the fact that they're so similar
4 makes them highly relevant in this case.

5 **THE COURT:** Okay. Do you want to respond on that?

6 **MR. SARDELLI:** Your Honor, that's actually going
7 against the wave of the current trend for being more reasonable
8 about sentencing, Your Honor.

9 I mean, he's clearly scored at a Criminal History
10 Category III. We don't contest that, Your Honor.

11 Obviously, we object to however you want to phrase it,
12 Your Honor, upward departure, variance, however you want to
13 phrase it to the next category up.

14 Again, this is because I think the Government wants to
15 keep trying to find ways to tack on more time because they're
16 not satisfied with the verdict of the jury, Your Honor.

17 So we don't object to the Criminal History
18 Category III, but we would object to any type of attempt to
19 move him up to a further category, Your Honor.

20 **THE COURT:** Okay. All right. Well, obviously, the
21 guidelines are just one factor, and I will give you rulings on
22 all of them.

23 But I'm also happy to go ahead and consider -- because
24 it is just one factor, regardless of what I find on the
25 guidelines -- what you all think is a reasonable sentence under

1 3553(a) and if there's any additional information you want me
2 to consider in that regard.

3 **MS. HOFFMAN:** Thank you, Your Honor.

4 So the Government does believe that a sentence of 240
5 months, or 20 years, is sufficient but not greater than
6 necessary to comply with the purposes of sentencing set out in
7 18 United States Code, 3553.

8 This is an extremely serious offense. It doesn't get
9 much more serious than this.

10 And Your Honor is, by this time, very familiar with
11 the facts of this case. Your Honor sat through six weeks of
12 trial in which the Government presented evidence proving up --
13 proving that this gang, Murdaland Mafia Piru, was responsible
14 for at least five murders, six nonfatal shootings, multiple
15 additional conspiracies to commit murder, assaults,
16 robberies -- a couple of robberies, anyways -- and at least six
17 years of high-volume, street-level drug trafficking in heroin
18 and crack cocaine, among other drugs.

19 Through these activities, MMP devastated neighborhoods
20 in Northwest Baltimore. They left grieving families and
21 wounded victims in their wake. They intimidated witnesses and
22 they profited from the scourge of addiction.

23 The defendant personally ran MMP's second-busiest drug
24 shop, the drug shop at Liberty Heights and Gwynn Oak. He
25 supervised at least seven other members of MMP. He distributed

1 large volumes of crack cocaine over a period of many years.

2 And he embraced Murdaland Mafia Piru's fundamental
3 goals: Using violence to eliminate or intimidate would-be
4 rivals and witnesses and allowing its members to monopolize the
5 drug market in their territories and turn a substantial profit.

6 Not only was the defendant personally involved in
7 violence, but he knew that others in the gang were committing
8 murders and witness retaliation and continued to support them
9 and work in tandem with them to further the gang's interests.

10 And I wanted to come back to the attempted murder of
11 Samartine Hill, which was in October of 2012. And the Court
12 heard extensive testimony and evidence about this attempted
13 murder at trial. In fact, the person who committed that
14 attempted murder testified about it at trial.

15 This is highly significant. The high-definition
16 surveillance camera footage shows the defendant and Devon Dent,
17 also known as Tech, arriving at the nightclub shortly before
18 the attempted murder was committed, with the shooter,
19 William Banks, and also with the gang's leader, Dante Bailey,
20 as well as other members of MMP.

21 So this is -- and, again, I wish I could get the
22 actual video to play, but these are screenshots that came in at
23 trial.

24 This is the defendant here (indicating). He's walking
25 behind Devon Dent here (indicating).

1 And then just behind them -- again, here's Devon Dent
2 (indicating), the defendant (indicating). Behind them,
3 William Banks, the shooter (indicating); Dante Bailey, the
4 leader of the gang (indicating).

5 And then, behind them, Dontray Johnson in the red
6 shirt here (indicating). And Dontray Johnson's shirt actually
7 says on it "mob squad," which is a reference to
8 Murdaland Mafia Piru.

9 So they all show up at the club together. They all
10 wait in line together. And while they're standing there, the
11 video shows William Banks. He leaves the scene briefly to get
12 a gun, he comes back, and he fires multiple rounds with a
13 .45 caliber firearm into Samartine Hill because he's rumored to
14 be a snitch and Dante Bailey has ordered it.

15 And then they all go out afterwards to a different
16 club, is what William Banks testified to at trial.

17 Now, of course, just the simple fact that the
18 defendant is standing there at the time this happens doesn't,
19 by itself, mean that he knew it was going to happen.

20 But, in connection with the other evidence that was
21 presented at trial -- specifically the excerpts from
22 Dante Bailey's semi-autobiographical screenplay, we think that
23 that other evidence indicates that the defendant did know that
24 it was going to happen, that he knew this attempted murder was
25 going to happen.

1 And specifically this is an exhibit that came in at
2 trial in which the defendant, Dante Bailey, talks about -- he
3 talks about the Mirage nightclub. Nooks gets hit.
4 Samartine Hill's street alias was Snook, which I think was
5 changed slightly here to say Nooks. The attempted murder, of
6 course, happened at the Mirage nightclub.

7 And then there's the scene at the Mirage where Nooks
8 is standing in line and Gutta and his entourage walk through 20
9 deep, which is exactly what we saw on the video, and then Gutta
10 says and, "The shit gonna be live. Take some pictures for
11 Instagram." He calls Spittle and asks where he is. That's
12 corroborative of William Banks' testimony that it was Spittle
13 who put up the money for the hit.

14 And then Dirt is here saying, "Let's shut this bitch
15 down. I'm trying to make it look like 4th of July here."

16 And we think this indicates -- this is Gutta retelling
17 the story. Of course, it's a screenplay, so not everything in
18 it is literally true.

19 But given how much it matches up with the specific
20 details that we see in the surveillance footage and the
21 testimony of William Banks at trial, we think it indicates that
22 the defendant knew that this attempted murder was going to
23 happen.

24 But even if the Court doesn't find by a preponderance
25 of the evidence that the defendant knew that attempted murder

1 was going to happen, it still shows that he -- at least after
2 that point, he certainly had to be aware that members of the
3 gang were using murder and witness retaliation in furtherance
4 of the gang.

5 And he didn't withdraw from the gang. There's no
6 evidence of that.

7 In fact, to the contrary, we see the very next year,
8 in 2013, he is featured in this Murdaland Mafia rap video in
9 which he's making gang signs with the gang's leaders, talking
10 about the gang, and two of them flash actual firearms.

11 The witness testimony indicates he, of course,
12 continues to run that drug shop. He continues to deal large
13 volumes of crack cocaine and supply other members of the gang.
14 And all the while knowing that this is what the gang does, that
15 murder, shootings, witness retaliation, witness tampering,
16 that's what the gang does. And so we think that's very
17 significant.

18 There was other evidence that we've highlighted in our
19 sentencing memo that the defendant was, at the very least,
20 aware that other members of the gang were committing murder and
21 witness retaliation.

22 There is the phone call that -- or I guess it's a
23 recorded jail visit that Dontray Johnson makes to Dante Bailey
24 right after he's killed Nutty B in which Dante Bailey says --
25 he tells Dontray Johnson -- he basically approves the murder

1 and then tells Dontray Johnson to reach out to Randy, who we
2 think is the defendant, and he says, "We're raising the fourth
3 generation." Basically saying we're raising the fourth
4 generation of Murdaland Mafia Piru members.

5 There are a number of jail calls that came in at trial
6 in which the defendant is not actually a participant, but other
7 members of the gang are talking about him and they're referring
8 to him as somebody who supplies money to members of the gang
9 when they're incarcerated.

10 And there's also quite a bit of evidence that he's a
11 savvy criminal. He knows how to avoid detection by
12 law enforcement. And one of the ways in which he does that is
13 by staying off the phone.

14 So we saw a number of jail calls in which other
15 members of the gang talk about how the defendant switches his
16 phones up and doesn't give his number out to many people, as a
17 way to avoid detection by law enforcement.

18 So although the defendant wasn't front and center in
19 wire calls and jail calls, which is something that I think the
20 defense seized on at trial, he was still extremely influential.

21 When Dante Bailey wanted to raise that fourth
22 generation of MMP members, he looks to the defendant.

23 Then Dontray Johnson, when he wanted money after he
24 was incarcerated for killing Brian Johnson, Nutty B, he sought
25 help from the defendant. He reaches out to a female on the

1 streets and asks her to collect money from Dirt on Gwynn Oak.

2 When Dominick Wedlock wanted a place to come home on
3 pretrial release after he got locked up with guns and drugs, he
4 looks to the defendant. He wants to know if he can come and
5 stay in one of Dirt's houses.

6 And then when Eastside is murdered in the summer of
7 2016, the evidence that came in at trial, and this additional
8 jail call which we've highlighted for the Court at sentencing,
9 indicates that those with knowledge of the gang knew that the
10 defendant was behind it, that he was pulling the strings.

11 Turning to the history and characteristics of the
12 defendant, we think the defendant's criminal record shows a
13 virtually uninterrupted pattern of criminal activity since he
14 was 20 years old.

15 So this isn't just a case of a single indiscretion or
16 a handful of misguided decisions by an irresponsible young man.
17 It's a lifetime of criminality by a longstanding member of one
18 of the city's most violent gangs.

19 Turning to deterrence, we think obviously there's a
20 very compelling need for deterrence in this case. Baltimore is
21 overwhelmed by violent gangs like MMP that kill people and
22 churn out deadly drugs.

23 And the defendant's criminal history is that of an
24 influential recidivist gang member, so there's an urgent need
25 to protect the public from future crimes by him.

1 And then, finally, another point that we touched on in
2 our sentencing memo that I think is very important is the need
3 to avoid unwanted sentencing disparities.

4 As Your Honor knows, there were roughly 20 other
5 members and associates of the gang who pleaded guilty prior to
6 trial and admitted to their involvement in this conspiracy and
7 their wrongdoing in this case, and many of them received very
8 lengthy prison sentences.

9 And we think that the defendant, although the jury did
10 not unanimously agree beyond a reasonable doubt that he was a
11 leader of this gang, we think the evidence, by a clear
12 preponderance of the evidence, shows that he was. He was a
13 leader of this gang. And he was more culpable than these other
14 members of the gang who pleaded guilty and received 14, 15, and
15 in one case 20 years, pleading guilty prior to trial.

16 So we've pointed to William Jones, who was -- the
17 evidence indicates he was a low-ranking mobster. He had no
18 rank in the gang. He had no history of firearms possession or
19 violence. His involvement was really limited to drug
20 trafficking. He was sentenced to 14 years.

21 Devon Dent and Ayinde Deleon were sentenced to 14 and
22 15 years, despite no finding that they engaged in violence as
23 part of the racketeering conspiracy.

24 And then Delante Lee is a little different because he
25 did admit to shooting a rival in the arm in furtherance of the

1 gang, but he was, nonetheless, a low-ranking mobster who worked
2 under the defendant. And there was testimony by Devin Ferguson
3 at trial about Delante Lee and the fact that he was required to
4 pay a 10 percent tax to the defendant as part of working under
5 him in this drug operation. And Delante Lee was sentenced to
6 20 years.

7 And these defendants accepted responsibility for their
8 crimes.

9 And we think that another important reason why 20
10 years is an appropriate sentence in this case is to avoid
11 unwarranted disparities.

12 And I think, unless the Court has further questions,
13 that's it.

14 **THE COURT:** All right. I forget, is there any issue
15 of forfeiture?

16 **MS. HOFFMAN:** No, no issue with forfeiture.

17 **THE COURT:** Okay. Thank you.

18 Yes, Mr. Sardelli.

19 **MR. SARDELLI:** Thank you, Your Honor.

20 And I think the Court already knows this, Your Honor.
21 But at the end of this, I would like the opportunity for the
22 sister and the daughter to speak to the Court once I'm done,
23 please.

24 **THE COURT:** Either once you're done or now, whichever
25 you would prefer.

1 **MR. SARDELLI:** I would prefer after, Your Honor, if
2 that would be okay.

3 **THE COURT:** Sure.

4 **MR. SARDELLI:** Thank you.

5 So what the Government wants the Court to do is
6 actually to create a sentencing disparity. All the cases
7 they've been talking about were people who pled guilty or were
8 found guilty of both RICO and a drug conspiracy for amounts far
9 above what the jury found the defendant guilty for.

10 The reason why we're asking for time served, whether
11 or not the Court gives us a minor role adjustment or not, he's
12 already served about 27 months already, Your Honor.

13 So under our scoring of this, he already is below
14 that, whether or not you give him a role adjustment downwards
15 or not.

16 **THE COURT:** I'm sorry, you may have mentioned that in
17 your sentencing memo.

18 **MR. SARDELLI:** Sure.

19 **THE COURT:** I didn't hear you argue that. You think
20 he's entitled to a minor role adjustment?

21 **MR. SARDELLI:** We do, Your Honor. That's based on
22 Officer DiPaola, Your Honor, and his testimony. 'Cause at the
23 heart of our argument is the evidence that's credible, whether
24 it's beyond a reasonable doubt or a preponderance of the
25 evidence, is the DiPaola incident from May of 2016, Your Honor.

1 In that incident, there was a seizure of three baggies
2 of crack that totaled .77 grams of crack cocaine, less than a
3 gram.

4 The evidence, even if you believe that evidence, is
5 that the defendant was a lookout, point people in the direction
6 or whatever. He didn't touch the drugs. He didn't handle the
7 drugs, Your Honor.

8 And if that's the evidence the Court's going on, that
9 would, to the defense, support a minor role adjustment.

10 The reason why I didn't spend a lot of time on that,
11 whether or not he gets one or not, if he's held responsible for
12 the .77 grams, that already is less than the time served or 27
13 months that he's already served, Your Honor.

14 Your Honor, again, the idea of 20 years -- actually,
15 they would ask for 27 to 33 years but for the statutory cap of
16 20.

17 The reason why we want time served in this case,
18 Your Honor, 27 months, is not to create a sentencing disparity,
19 but to eliminate one, Your Honor.

20 Unless I've missed something, Your Honor, he's the
21 only defendant in this case that was found guilty of what he
22 was found guilty of, less than 280 grams, Your Honor.

23 Everyone else either pled to or were found guilty of
24 both RICO and drug trafficking far in excess of the less than
25 280 grams, Your Honor.

1 Again, I heard a lot of "we think," Your Honor, when
2 the Government was talking about the evidence in this case.

3 I saw no evidence linking the defendant to a murder.
4 I didn't, Your Honor.

5 I think that one of the reasons why the Government is
6 where they are today is that they've consistently overreached
7 and overstretched in this case, Your Honor.

8 Even the one incident with Mookie at the memorial is
9 about a gun and threats. It's not about murder, Your Honor.
10 And they continue to allege or to basically say that somehow he
11 was involved in a murder.

12 I saw no concrete evidence, whether it's preponderance
13 of the evidence or beyond a reasonable doubt, linking him to
14 any murders.

15 He was present at the shooting at the Mirage club.
16 But being present during the shooting is not the same as being
17 involved in it.

18 They're relying, again, on Dante Bailey's screenplay.
19 And no offense against Dante Bailey, that is a highly
20 unreliable source, whether or not you're talking about beyond a
21 reasonable doubt or some lower standards, Your Honor.

22 Your Honor, what this case is really about is respect
23 for the work the jury did in this case, Your Honor.

24 And you can see a lot of members of his family and
25 friends are here, Your Honor (indicating). And they're

1 watching, Your Honor. And I think it's just as important for
2 them to feel that this defendant and their community gets a
3 fair shot, Your Honor.

4 The Government wants you basically to ignore the
5 jury's finding in this case, Your Honor.

6 27 to 33 years is something he should have gotten if
7 he was convicted on RICO, on the higher amount of drugs, and
8 all the other things, Your Honor.

9 They're asking you to go well above what the facts and
10 the evidence actually support in this case, Your Honor.

11 I think it's important that the Court treat the
12 defendant fairly in this case, and I'm confident the Court's
13 going to do that, Your Honor.

14 Specifically, we wish -- I think when the jury notes
15 and the verdict form and other issues came up, Your Honor, we
16 were hopeful that perhaps there would be an acquittal in this
17 case.

18 But we have to acknowledge that there wasn't,
19 Your Honor. He was found guilty, and he's going to be
20 sentenced, Your Honor. We don't dispute that, Your Honor.

21 But the idea of hammering him with 20 years -- or, if
22 it wasn't for the statutory maximum, 27 to 33 years --
23 continues a pattern of excessive stretching the facts beyond
24 the breaking point, Your Honor.

25 We believe that a sentence of time served in this case

1 would be reasonable, Your Honor.

2 And even if we disagree with Probation, Your Honor, we
3 respectfully disagree, but we understand that's within the
4 realm of reason, the 41 to 51 months, Your Honor. We disagree
5 with that, but we understand where Probation is coming from.

6 The idea of 20 years or 27 to 33 years is just --
7 Your Honor, again, it has to do with the Government being angry
8 or disagreeing with the verdict of the jury, Your Honor.

9 I think it's important to show the community in this
10 case that Randy Banks will be punished. He deserves to be
11 punished for what he was found guilty of, Your Honor. We
12 believe that's based on what Officer DiPaola testified about on
13 May 27th, 2016, Your Honor. However, that incident is less
14 than 1 gram of crack cocaine.

15 And the idea of sentencing someone to 20 years for
16 that rather than 27 months or 41 to 51 months, Your Honor, is
17 excessive in the extreme, Your Honor.

18 We ask that the Court be reasonable in this case,
19 provide a just sentence.

20 And that's all I have at this point, Your Honor.

21 I would ask for the opportunity for the sister and the
22 daughter to speak to the Court, Your Honor.

23 **THE COURT:** Sure. That would be fine.

24 **MR. SARDELLI:** Thank you.

25 I'll start with his sister, Your Honor, if that's

1 okay.

2 **THE COURT:** Certainly.

3 If you could give us your name and spell your name,
4 please.

5 **TANGIER FLOYD:** My name is Tangier Floyd. You want me
6 to spell it too?

7 **THE COURT:** Yes, please.

8 **TANGIER FLOYD:** Tango, Al -- I'm sorry, T-A-N-G-I-E-R;
9 Floyd, F-L-O-Y-D.

10 **THE COURT:** Thank you. Go ahead.

11 **TANGIER FLOYD:** I just want to say, I know -- I know
12 y'all had numerous -- numerous -- excuse me, Your Honor.

13 I know y'all had numerous conversations and jury and,
14 you know, witnesses against my brother as far as what he
15 supposed to have done out on the streets.

16 I just want to tell y'all what he have done for our
17 family.

18 For years, Your Honor, we -- we don't know -- we don't
19 always get the easy -- easier out. We don't.

20 But every last one of us have fought through some
21 trying times.

22 We lost our mother, grandmother, and aunt back to back
23 without time to grieve.

24 And we didn't have numerous houses growing up. This
25 was only one house that we lived in where we all -- half of us,

1 not family, lived in this one house, Your Honor.

2 My brother been -- he been my father since I can
3 remember.

4 My mom got sick when she was 26 years old, from her
5 boyfriend.

6 My brother stepped up and took and held me and my
7 sisters and my grandmother and my uncle and them down to the
8 point of beyond. All we know is each other, Your Honor.

9 There's times that he been gone -- and Mookie got
10 killed was probably the worst time of our lives.

11 And I need some help, Your Honor. Like, I'm trying
12 to -- I'm trying to hold this down the best way I can, but
13 Randy always done it. Randy was my go-to for understanding
14 anything. And I can't do it but so much 'cause, you know, when
15 he got to call home and I'm not around.

16 But if it weren't for him, I wouldn't be who I am
17 today, Your Honor. I promise you. I'm 38, maybe 37. But I
18 still want to, you know what I mean, dispute -- I own a whole
19 Comcast company, ma'am, a whole company that I've been doing so
20 with my partner and everybody else for years. I've been held
21 our family down without him for years.

22 When -- when we lost our mother and our grandmother
23 and our aunt back to back, the moment I got each news, I needed
24 him.

25 I understand what y'all heard about him. I can't

1 confirm nor deny none of that.

2 But I can say this about him: He's a smart man.
3 Might have made some bad decisions. I'm not -- but he's a
4 smart man.

5 Every chance I get, I just want to run to him and tell
6 him what's going on.

7 When Mookie died, I -- I thought it was over for me.
8 I didn't know if I was going to be able to go on.

9 I -- I went to my brother and I asked him what we was
10 supposed to do.

11 There's nobody else, Your Honor. I'm 38. And it's no
12 grandmother, there's no older people to run to and say "I need
13 help" or fix a Sunday meal. We are all we got.

14 My brother has 14, 9, 8, we don't really know the
15 definite count of his kids yet, but I been doing the best I can
16 to help the kids along while he's gone.

17 I mean, I just -- I just want you to just -- just
18 think about it, please, Your Honor.

19 Like, I -- I need him. I know we all need him, but
20 I -- I really need him now.

21 It's like, I truthfully don't know how much more I got
22 in me. And it's a fight every day.

23 I understand -- I know people -- I know everybody got
24 their stories. I know everybody got their ups and downs. I
25 do. I do. I know that, ma'am.

1 But we lived in 3404 Woodbine our whole life until we
2 all moved away. He -- he been that person for me since I can
3 remember, since I can remember.

4 I -- I don't even know what to tell you if they even
5 reach or if you even reach for such -- I mean, I just -- I -- I
6 need help, Your Honor. I need him. I promise you, I do.

7 I mean, and I will do everything in my power -- he --
8 he can't be a cable tech, though, ma'am. But I would do
9 everything in my power to make sure that he comes and do
10 something, whether he's sweeping up the sidewalk or cleaning
11 out vans for detailing or I don't know, walking the kids to
12 school or something, ma'am, I will figure out a way to make
13 sure that what society see of him, they going to see what I see
14 of him.

15 That's -- that's all. That's all.

16 **THE COURT:** Thank you. Thank you.

17 **MR. SARDELLI:** His daughter would like to speak.

18 **THE COURT:** Certainly.

19 And, again, if you could just please give us your name
20 and spell your name.

21 **NA'TASSIJA BANKS:** Yes. My name Na'Tassija Banks. My
22 first name is N-A, apostrophe, capital T, A-S-S-I-J-A; and my
23 last name, B-A-N-K-S.

24 **THE COURT:** Thank you.

25 **NA'TASSIJA BANKS:** Okay. All right, Your Honor. You

1 already know, this is my father. This is -- you get born to
2 two parents. I was blessed with only just one for the past two
3 years.

4 I walked across that stage, I graduated from college
5 in May, my father was not there.

6 I'm the first girl graduated from college. He has
7 another son who graduated from college. We both graduated from
8 college because -- because of this man (indicating).

9 Sometimes I get a little weak, but just talking to my
10 father, it -- it puts me through. That's the only man I know.
11 They say your father is your first love. It's the only father
12 I got.

13 My father has 11 kids. It's eight of us here today.
14 If you can't tell, we all look alike.

15 If my father go, I don't know what I'm supposed to do.
16 It's -- it's a lot of us. I'm only 21 years old. That's a big
17 responsibility to carry, and I will have to do it. They're my
18 siblings. We're family. We tight-knit. That's all I got.

19 So if I just ask, could you please -- I don't know
20 about nobody else. I need my father. I can't do nothin' else
21 without him. I'm 21 years old. That's all I know.

22 I know, you know, this was a big case and a lot of
23 stuff, but at the end of the day, he's a father. He's been a
24 brother. He's been a father to his sisters. He's been an
25 uncle, a big cousin. He's a man. He's a family man. That's

1 all we got.

2 We already lost one. We already lost Mookie. I can't
3 go through that again, losing another person. Because despite
4 everything, I believe that my father is a good man. If it
5 wasn't for him, I wouldn't have made it as far as I've made it
6 at 21 years old.

7 People don't go straight to college after high school
8 and make it out, you know, to see a better life.

9 But if it wasn't for that man right there, I couldn't
10 have done it.

11 Thank you.

12 **THE COURT:** Thank you. Appreciate it.

13 **MR. SARDELLI:** Your Honor, I just wanted to confirm
14 that you did receive the three letters.

15 **THE COURT:** Yes. Thank you.

16 **MR. SARDELLI:** We also want you to consider that as
17 well, Your Honor.

18 And then when you get a chance, Your Honor, Mr. Banks
19 would like to make a short statement.

20 **THE COURT:** Certainly.

21 Ms. Hoffman.

22 **MS. HOFFMAN:** I did just have one thing to add, and I
23 don't know if I should do it now or after Mr. Banks speaks.

24 **THE COURT:** Go ahead.

25 **MS. HOFFMAN:** I just want to push back really strongly

1 on the notion that the Government is seeking a 20-year sentence
2 because of anger about the jury's verdict.

3 The Government is seeking a sentence of 20 years of
4 imprisonment to reflect the extremely serious nature of this
5 offense.

6 The defendant held a leadership role in a
7 drug-trafficking conspiracy and a racketeering conspiracy that
8 involved numerous murders and the distribution of deadly drugs.

9 We're seeking a 20-year sentence because we think that
10 that is necessary to afford adequate deterrence for criminal
11 activity that has a really, really devastating impact on the
12 community.

13 We're seeking a 20-year sentence because we think that
14 the community needs to be protected from the defendant, who has
15 a very significant criminal history and a high likelihood of
16 re-offending.

17 And we're seeking a 20-year sentence to avoid
18 unwarranted sentencing disparities between the defendant and
19 his co-defendants in the same case.

20 So I just wanted to respond to that and explain why we
21 are seeking a 20-year sentence here.

22 **THE COURT:** Okay. All right. Thank you.

23 Mr. Banks, if there's anything you'd like to say
24 before I make a final decision, you have the right to do that.
25 You don't have to. I won't hold it against you if you don't,

1 but --

2 **MR. SARDELLI:** Do you want him to stand, Your Honor,
3 or do you want him to --

4 **THE COURT:** If you'd like to speak, yes, if he could
5 stand and just be near the mic. He doesn't have to lean -- I
6 think if he keeps his voice up, that will be good enough.

7 **THE DEFENDANT:** I just -- I just want to . . .

8 I just want to tell my family I love 'em and thank you
9 for coming.

10 You know, we all support each other.

11 And I'm always going to be there for y'all,
12 regardless.

13 That's all I have to say.

14 **THE COURT:** All right. Thank you, sir.

15 Anything else anybody needs to say?

16 (No response.)

17 **THE COURT:** All right. I'm going to take about a
18 20-minute recess and then I'll give you my rulings.

19 (3:21 p.m.)

20 (Recess taken.)

21 (3:51 p.m.)

22 **THE COURT:** All right. You can be seated, please.

23 Conference at the bench.

24 (It is the policy of this court that every guilty plea and
25 sentencing proceeding include a bench conference concerning

1 whether the defendant is or is not cooperating.)

2 **THE COURT:** Well, first, let me start by thanking
3 counsel on both sides, as well as the probation officer, for
4 all the information and advocacy that you have provided.
5 Sentencings, obviously, are difficult, and obviously difficult,
6 as we saw for Mr. Banks' family.

7 And I see folks coming in.

8 (Pause.)

9 **THE COURT:** So I'm saying that obviously sentencings
10 are very difficult for all people involved, including
11 particularly -- present in the courtroom, of course, would be
12 Mr. Banks' family.

13 And I want to be clear, human beings are complicated,
14 and nobody is all bad and nobody is all good. I'm quite sure
15 that Mr. Banks has done good things for his family. That's
16 obvious. And I'm sure he appreciates the support of all the
17 family.

18 There are, of course, a lot of other issues that I
19 have to consider in deciding on a reasonable sentence in this
20 case.

21 I'm going to start by going through the guidelines
22 issues.

23 And, of course, I'm aware that the standard for me to
24 make findings that can affect the guidelines -- so long as it
25 doesn't increase the statutory maximum -- is a preponderance of

1 the evidence and that I'm permitted to consider acquitted
2 conduct under appropriate circumstances. I'm aware of all
3 that.

4 In this case the jury found that Mr. Banks was
5 responsible for less than 280 grams of crack cocaine.

6 I'd note that they found that unanimously beyond a
7 reasonable doubt, so I think it's a little bit different than
8 the circumstance of considering acquitted conduct.

9 But, in any event, I don't think that's a necessary
10 issue to create because there is certainly no doubt, by more
11 than a preponderance of the evidence, that Mr. Banks is
12 responsible for at least 196 grams of crack cocaine, which is
13 an offense level of 28.

14 And to make that finding, I'm relying on, of course,
15 all the evidence that was introduced at trial and cited by the
16 Government in its memorandum.

17 It certainly includes the three specific instances,
18 the observations of Officer DiPaola in May of 2012, which
19 showed Mr. Banks I would say not necessarily as a lookout, but
20 directing customers where to get crack cocaine. Of course,
21 that was a very small amount, but that is a single day's
22 observation, which corroborates a course of conduct over a lot
23 of years.

24 We have Mr. Lashley's purchase of 7 grams of
25 crack cocaine in 2010 or 2011.

1 And we have the evidence of the cooperator from the
2 summer of 2015 taking Mr. Banks and Mr. Bailey to what's called
3 a trap house where powder is cooked into crack cocaine. And
4 the quantity there was approximately 500 grams.

5 And even allowing for some error or that being an
6 estimate, you'd think we've reached the 196 grams just on those
7 three instances. That's corroborated not only specifically by
8 the picture of Mr. Banks with Mr. Bailey in the trap house that
9 was recovered from another person's cell phone, but it's not
10 realistic to consider those three instances in isolation and
11 imagine that over the course of the 2010- to 2015-or-so time
12 period that those were isolated instances.

13 Rather, they corroborate the testimony of at least
14 five witnesses, William Banks and others, that Mr. Randy Banks,
15 the defendant, was overseeing a drug shop for a number of years
16 at the Liberty Heights and Gwynn Oak area with at least seven
17 people, as identified by the Government's evidence, under his
18 supervision.

19 So what this shows us is a consistent pattern of
20 specific sales of crack cocaine. And the instances that were
21 specifically testified to just corroborate the overall
22 testimony.

23 So I'm going to find that there was at least 196 grams
24 of crack cocaine for which Mr. Banks is responsible in the
25 course of this conspiracy. So I think we start at an offense

1 level of 28.

2 In terms of the role adjustment, I believe the
3 evidence there certainly supports, by at least a preponderance
4 of the evidence, at least a three-level upward adjustment,
5 which is what I am going to do for being a manager and
6 supervisor of an organization with at least five participants,
7 and I've referred to the seven that he was directly
8 supervising, or is otherwise extensive. This certainly both
9 involved more than five participants and was otherwise
10 extensive.

11 I think his role, again, based on the specific
12 testimony of the directing customers and supplying drugs and
13 collecting money and generally telling people what to do in the
14 Liberty Heights and Gwynn Oak area certainly at least rises to
15 a manager/supervisor role, even if he was not at the level of
16 some people that I would categorize more as the leader of the
17 entire organization.

18 So I think a three-level upward adjustment for role is
19 warranted.

20 I certainly do not think there is any minor role
21 adjustment that would be warranted in this case.

22 Regarding the firearms, there are two separate upward
23 adjustments that have been requested.

24 The first one, under 2D1.1(b)(1), is for possession of
25 a firearm in connection with the drug-trafficking offense; and

1 on this one I agree with the Government. It's certainly
2 reasonably foreseeable to Mr. Banks that weapons would be used
3 in furtherance of this drug organization's activity and
4 possessed in connection with that.

5 And I think the Government's point there is that at
6 least from his being present and aware of the attempt to kill
7 Samartine Hill at the club Mirage, if nothing else, that made
8 it foreseeable to him, and it's certainly corroborated by
9 testimony and pictures, but that incident alone would make it
10 foreseeable that at least other members of the conspiracy are
11 possessing and using guns in furtherance of the conspiracy.
12 And I'm speaking of the drug conspiracy of which he was
13 convicted.

14 On the other hand, the two-level upward adjustment for
15 credible threat of violence I believe requires something more
16 specific in terms of a guideline adjustment as to Mr. Banks.

17 What is particularly attributed to Mr. Banks is the
18 threat relating to the death of his cousin, Mookie. And I
19 believe that the threat happened.

20 I'm not clear from the evidence that it is in
21 connection with the drug offense or part of the drug offense in
22 the same way as the general possession of firearms and other
23 threats of violence were.

24 I think, frankly, it's something that can be
25 considered under 3553(a), but I'm not going to impose an

1 additional two-level upward adjustment under the guidelines.

2 And I'm not considering the later jail call. I don't
3 think there's sufficient evidence to find Mr. Banks personally
4 responsible for the murder of Dante Harris.

5 I'm not considering the gang paperwork as evidence of
6 that.

7 On the other hand, I'm also not considering the jury
8 notes. I think it would be entirely speculative as to what was
9 going on with the jury when they asked the questions that they
10 did.

11 So those are things that I am not considering in this
12 regard.

13 So that, I believe -- counsel will correct me if my
14 math is wrong -- but I believe we are at an offense level of
15 33.

16 I will grant a one-level upward adjustment under 4A1
17 for the criminal history.

18 I do agree with the Government that in looking at
19 Mr. Banks' criminal record, which starts back in 1998, when he
20 was aged 20, that it is -- first of all, that does have two
21 prior separate convictions that don't count, weren't scored.

22 The ones that are within the more recent time period
23 involve both a firearm and distribution of cocaine, so it's
24 quite serious.

25 And it is all consistent with the activity that the

1 evidence shows he was involved in in connection with this
2 particular prosecution.

3 So I agree that an Offense Level 3 doesn't adequately
4 address the risk of recidivism with the seriousness of the past
5 criminal conduct, and we should be at an offense level of 4,
6 which, I believe, means we are at a guideline range of 188 to
7 235 months.

8 I'm not asking for agreement on the substance of that,
9 but do counsel agree with my math?

10 **MS. HOFFMAN:** Yes.

11 **MR. SARDELLI:** Yes, Your Honor.

12 **THE COURT:** Okay. So the guideline range is, of
13 course, one thing I have to consider. There are a lot of other
14 factors.

15 This is a very serious offense. Even at the level of
16 drugs that were found by the jury and which I have found here,
17 it's a very significant amount of drugs, and it was distributed
18 over a lengthy period of time. And it devastates people's
19 families.

20 I certainly believe and accept and appreciate that
21 Mr. Banks has been concerned for his family and done good
22 things for his family.

23 It ought to be clear that you cannot support your own
24 family by selling poison to other people's families or by
25 threatening other people's families with this kind of drug and

1 gun behavior and conduct that Mr. Banks, unfortunately, has
2 been involved with for a long time.

3 I do have to consider relative culpability as well,
4 based on what the evidence has proved, not on any question of a
5 jury verdict.

6 I've gone through what I think the evidence shows, and
7 it is supported. And the sentence for Mr. Banks needs to be
8 comparable to other people that are at or below his level of
9 involvement, particularly considering a lot of other people did
10 accept responsibility.

11 And, as I say, I don't set aside his personal
12 characteristics and his willingness to help his family, and
13 that is all important as well.

14 Where I come out with that at the guideline level,
15 considering that, considering all the other factors that I have
16 just addressed, and considering comparable sentences for other
17 co-defendants who have already been sentenced, I am going to
18 impose a sentence, and this is on Count 2, of 18 years in the
19 custody of the Bureau of Prisons. That is 216 months. It is
20 within what I believe is the correct advisory guideline range.
21 And that is on Count 2.

22 The sentence of incarceration is going to be followed
23 by a period of three years of supervised release, which is also
24 going to be very important.

25 Special conditions of supervised release are any

1 substance abuse testing or treatment that the probation officer
2 recommends, any vocational or educational programs the
3 probation officer recommends so that when Mr. Banks is
4 released, he'll be able to support his family in a law-abiding
5 way. We can all hope for that.

6 There's not going to be any fine. His financial
7 circumstances don't permit a fine.

8 There is a required \$100 special assessment on Count 2
9 that I am imposing.

10 Have I left anything out? Anything I have not
11 addressed in that sentence?

12 **MS. HOFFMAN:** No. Thank you.

13 **MR. SARDELLI:** Your Honor, he would recommend the BOP
14 facility at Petersburg, Virginia.

15 If that's not available, as close to the Baltimore
16 area as possible to facilitate family visits.

17 **THE COURT:** Any other recommendation?

18 **MR. SARDELLI:** No, Your Honor.

19 **THE COURT:** Okay.

20 **MS. HOFFMAN:** No.

21 **THE COURT:** All right. Let me also be clear. I did
22 calculate the guidelines. That's only one factor.

23 The sentence that I have announced is the sentence
24 that I believe is reasonable, regardless of any error that I
25 may have made in calculating the guidelines.

Mr. Banks, you obviously have the right to appeal, both from this sentence and from the judgment of conviction. Your appeal needs to be noted within 14 days.

Mr. Sardelli, I assume you'll be assisting him with that?

MR. SARDELLI: Yes, Your Honor, I will be filing a Notice of Appeal, Your Honor.

THE COURT: Okay. Thank you, all.

(Court adjourned at 4:06 p.m.)

I, Douglas J. Zweizig, RDR, CRR, FCRR, do hereby certify that the foregoing is a correct transcript from the stenographic record of proceedings in the above-entitled matter.

/s/

Douglas J. Zweizig, RDR, CRR, FCRR
Registered Diplomate Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: December 16, 2019

MR. SARDELLI: [29] 2/17 3/25 22/20 25/1 25/19 25/22 25/25 29/9 29/19 30/5 30/9 30/12 31/12 33/11 35/6 44/19 45/1 45/4 45/18 45/21 49/24 53/17 55/13 55/16 57/2 64/11 66/13 66/18 67/6 MS. HOFFMAN: [14] 2/6 2/15 3/21 4/10 8/5 12/14 33/17 36/3 44/16 55/22 55/25 64/10 66/12 66/20 NA'TASSIJA BANKS: [2] 53/21 53/25 TANGIER FLOYD: [3] 50/5 50/8 50/11 THE COURT: [52] 2/3 2/14 2/16 2/20 3/22 4/5 8/3 12/12 22/18 24/25 25/16 25/20 25/23 29/6 29/11 30/4 30/8 30/11 31/11 33/10 33/12 35/5 35/20 44/14 44/17 44/24 45/3 45/16 45/19 49/23 50/2 50/7 50/10 53/16 53/18 53/24 55/12 55/15 55/20 55/24 56/22 57/4 57/14 57/17 57/22 58/2 58/9 64/12 66/17 66/19 66/21 67/8 THE DEFENDANT: [1] 57/7	18 United States Code [1] 36/7 188 [1] 64/6 196 grams [3] 59/12 60/6 60/23 1998 [1] 63/19	5 5 kilograms [1] 25/8 50 [1] 21/2 50/50 [1] 21/2 500 grams [9] 9/16 9/17 11/21 26/4 26/14 27/12 28/13 29/23 60/4 500-gram [1] 28/1 51 [3] 24/4 49/4 49/16 515 U.S. 389 [1] 5/3 52 [1] 10/8 5509 Gwynn Oak Avenue [1] 6/19
\$ \$10 [1] 7/6 \$100 [1] 66/8 ' 'Cause [2] 45/22 51/14 'em [1] 57/8 . .45 [1] 38/13 .45 caliber [1] 38/13 .77 [6] 26/10 26/13 28/2 28/23 46/2 46/12 .77 grams [5] 26/10 26/13 28/23 46/2 46/12 .77-gram [1] 28/2 / /s [1] 67/14 0 0267 [2] 1/4 2/8 1 1 gram [1] 26/10 10 [1] 12/3 10 percent [1] 44/4 101 [1] 1/24 11 [1] 54/13 1247 [1] 4/2 12th [2] 6/16 10/25 14 [5] 43/14 43/20 43/21 52/14 67/3 15 [2] 43/14 43/22 15A [1] 10/23 15th [1] 4/1 16 [2] 3/10 67/17 16-plus [1] 24/5 18 [1] 65/18	2 20 [16] 24/7 34/11 36/5 39/8 42/14 43/4 43/15 44/6 44/9 46/14 46/16 48/21 49/6 49/15 56/3 63/20 20-minute [1] 57/18 20-year [5] 56/1 56/9 56/13 56/17 56/21 200 [1] 5/6 2010 [3] 9/1 59/25 60/11 2010-2011 [3] 26/6 28/3 28/11 2011 [5] 9/2 26/6 28/3 28/11 59/25 2012 [3] 14/1 37/11 59/18 2013 [2] 15/23 40/8 2014 [1] 11/7 2015 [5] 9/13 10/25 11/23 14/16 60/2 2016 [7] 6/16 13/14 19/8 20/6 42/7 45/25 49/13 2019 [2] 1/8 67/17 21 [3] 54/16 54/21 55/6 21201 [1] 1/25 216 [1] 65/19 235 [1] 64/7 240 [1] 36/4 26 [2] 1/8 51/4 27 [9] 24/7 45/12 46/12 46/15 46/18 48/6 48/22 49/6 49/16 27th [1] 49/13 28 [4] 25/18 25/24 59/13 61/1 280 grams [15] 5/14 8/20 24/11 24/16 25/2 25/11 25/20 27/1 27/3 27/6 30/7 32/11 46/22 46/25 59/5 280-gram [1] 9/18 2:05 p.m [1] 2/2 2D1.1 [1] 61/24	7 7 grams [6] 9/11 26/7 26/13 28/4 28/11 59/24 7D [1] 1/9 A abiding [1] 66/4 ability [1] 32/11 able [2] 52/8 66/4 about [59] 2/25 3/16 3/19 4/11 5/16 9/12 9/19 10/6 10/16 11/19 14/2 14/12 17/5 18/18 19/7 19/17 21/6 21/14 23/2 23/15 23/25 24/18 25/13 26/5 28/11 28/12 29/14 29/22 29/25 30/21 31/20 31/24 32/2 32/21 32/22 33/15 35/8 37/12 37/14 39/2 39/3 40/10 41/7 41/15 44/3 45/7 45/12 47/2 47/9 47/9 47/20 47/22 49/12 51/25 52/2 52/18 54/20 56/2 57/17 above [9] 24/11 26/14 27/1 27/11 30/6 32/12 45/9 48/9 67/12 above-entitled [1] 67/12 abuse [1] 66/1 accept [2] 64/20 65/10 accepted [1] 44/7 according [1] 28/3 account [7] 11/23 11/24 15/5 17/20 18/5 19/23 20/23 acknowledge [1] 48/18 acquittal [1] 48/16 acquitted [5] 4/17 4/23 4/24 59/1 59/8 across [1] 54/4 activities [1] 36/19 activity [10] 6/18 13/5 31/18 31/18 31/22 34/16 42/13 56/11 62/3 63/25 actual [6] 16/15 16/23 17/7 30/1 37/22 40/10 actually [19] 4/21 5/6 8/24 12/25 15/16 15/24 16/15 18/1 20/17 23/16 24/10 25/7 26/14 35/6 38/6 41/6 45/6 46/14 48/10 add [1] 55/22 addiction [1] 36/22 additional [11] 18/14 18/19 22/13 22/22 22/23 30/23 32/22 36/1 36/15 42/7 63/1 address [1] 64/4

<p>A</p> <p>addressed [2] 65/16 66/11</p> <p>adequate [1] 56/10</p> <p>adequately [1] 64/3</p> <p>adjourned [1] 67/9</p> <p>adjustment [14] 3/13 27/7 45/11 45/14 45/20 46/9 61/2 61/4 61/18 61/21 62/14 62/16 63/1 63/16</p> <p>adjustments [1] 61/23</p> <p>admit [1] 43/25</p> <p>admitted [1] 43/6</p> <p>Adrian [1] 15/8</p> <p>Adrian Spence [1] 15/8</p> <p>advanced [1] 33/14</p> <p>advisory [1] 65/20</p> <p>advocacy [1] 58/4</p> <p>affect [1] 58/24</p> <p>affiliating [2] 20/16 20/19</p> <p>afford [1] 56/10</p> <p>after [14] 6/16 19/9 21/11 21/20 22/22 23/20 32/21 40/1 40/24 41/23 42/3 45/1 55/7 55/23</p> <p>afternoon [2] 2/3 2/17</p> <p>afterwards [1] 38/15</p> <p>again [25] 5/18 10/19 12/18 14/11 14/24 15/2 15/8 16/22 17/3 21/22 22/8 22/12 28/15 32/3 32/23 35/14 37/21 38/1 46/14 47/1 47/18 49/7 53/19 55/3 61/11</p> <p>against [6] 30/1 32/8 35/7 47/19 50/14 56/25</p> <p>age [2] 34/9 35/3</p> <p>aged [1] 63/20</p> <p>Agent [2] 1/20 2/9</p> <p>ago [2] 19/2 26/7</p> <p>agree [8] 4/18 12/17 28/24 43/10 62/1 63/18 64/3 64/9</p> <p>agreed [1] 5/25</p> <p>agreement [1] 64/8</p> <p>agreements [1] 9/23</p> <p>ahead [5] 3/7 4/5 35/23 50/10 55/24</p> <p>ain't [2] 21/24 22/10</p> <p>Al [1] 50/8</p> <p>alias [2] 14/22 39/4</p> <p>alike [1] 54/14</p> <p>all [79]</p> <p>allege [1] 47/10</p> <p>alleged [2] 28/5 29/4</p> <p>allegedly [2] 20/16 30/19</p> <p>allow [1] 25/6</p> <p>allowing [2] 37/4 60/5</p> <p>almost [1] 27/18</p> <p>alone [1] 62/9</p> <p>along [3] 6/11 19/15 52/16</p> <p>already [11] 21/6 44/20 45/12 45/12 45/13 46/12 46/13 54/1 55/2 55/2 65/17</p> <p>also [48] 1/19 3/12 4/17 5/2 5/20 7/10 7/18 8/11 9/12 10/3 10/4 10/22 11/22 12/4 12/21 13/9 13/11 13/13 13/16 13/17 13/18 13/19 13/25 14/14 15/8 17/6 17/7 17/17 17/18 18/1 19/10 19/17 21/18 23/1 28/18</p>	<p>31/7 32/2 33/6 33/14 34/10 35/23 37/17 37/19 41/10 55/16 63/7 65/23 66/21</p> <p>although [3] 28/20 41/18 43/9</p> <p>altogether [1] 12/13</p> <p>always [3] 50/19 51/13 57/11</p> <p>am [7] 2/7 2/24 51/16 61/5 63/11 65/17 66/9</p> <p>AMERICA [1] 1/3</p> <p>ammunition [2] 8/1 34/22</p> <p>among [1] 36/18</p> <p>amongst [1] 16/16</p> <p>amount [5] 24/21 28/25 48/7 59/21 64/17</p> <p>amounts [3] 24/22 25/6 45/8</p> <p>anger [2] 31/24 56/2</p> <p>angry [1] 49/7</p> <p>announced [1] 66/23</p> <p>another [15] 7/11 10/3 11/1 13/11 13/15 13/16 13/17 13/18 20/13 21/13 43/1 44/9 54/7 55/3 60/9</p> <p>Antonio [1] 13/17</p> <p>Antonio Walker-Bey [1] 13/17</p> <p>any [18] 22/24 23/22 25/5 25/5 27/4 31/19 35/18 36/1 44/14 47/14 59/9 61/20 65/4 65/25 66/2 66/6 66/17 66/24</p> <p>anybody [1] 57/15</p> <p>anything [7] 3/18 26/19 51/14 56/23 57/15 66/10 66/10</p> <p>anyway [1] 3/16</p> <p>anyways [1] 36/16</p> <p>apostrophe [1] 53/22</p> <p>appeal [3] 67/1 67/3 67/7</p> <p>appears [4] 11/24 18/6 18/25 23/23</p> <p>apply [3] 16/13 25/23 31/14</p> <p>appreciate [3] 22/18 55/12 64/20</p> <p>appreciates [1] 58/16</p> <p>appropriate [3] 35/1 44/10 59/2</p> <p>appropriately [1] 33/23</p> <p>approved [1] 5/3</p> <p>approves [1] 40/25</p> <p>approximately [1] 60/4</p> <p>are [46] 2/21 2/24 3/16 4/3 4/8 7/20 8/1 12/6 12/10 14/4 14/25 16/6 16/14 17/13 23/18 24/15 25/17 29/5 29/20 29/25 31/3 33/7 33/18 33/20 34/18 35/21 37/22 41/5 41/7 47/6 47/25 52/13 56/21 58/5 58/10 58/13 58/18 61/22 62/10 63/11 63/14 63/22 64/6 64/13 65/8 65/25</p> <p>area [16] 5/22 7/11 7/20 7/24 8/14 9/15 12/20 12/22 14/9 14/13 20/18 29/18 34/20 60/16 61/14 66/16</p> <p>aren't [2] 25/4 27/3</p> <p>argue [1] 45/19</p> <p>argues [1] 30/15</p> <p>argument [2] 33/15 45/23</p> <p>arm [1] 43/25</p> <p>around [2] 33/3 51/15</p> <p>arrested [3] 6/16 7/24 8/13</p> <p>arrests [3] 7/18 7/22 8/1</p>	<p>arriving [1] 37/17</p> <p>as [64] 3/5 3/7 4/25 7/8 7/8 7/22 8/23 10/9 11/1 11/2 11/14 13/9 13/13 13/16 13/17 13/18 13/25 15/7 15/9 16/13 17/6 18/2 18/2 20/7 20/13 20/19 22/6 22/10 23/6 26/22 31/5 34/3 34/12 37/17 37/20 37/20 41/8 41/16 43/4 43/22 44/4 47/16 48/1 50/14 50/14 55/5 55/5 55/16 58/3 58/3 58/6 58/24 59/19 60/17 61/16 62/16 62/22 63/5 63/8 65/3 65/11 65/13 66/15 66/16</p> <p>aside [1] 65/11</p> <p>ask [6] 25/16 32/18 46/15 49/18 49/21 54/19</p> <p>asked [4] 20/20 20/24 52/9 63/9</p> <p>asking [4] 34/23 45/10 48/9 64/8</p> <p>asks [2] 39/11 42/1</p> <p>assaults [1] 36/15</p> <p>assess [1] 27/12</p> <p>assessed [1] 3/12</p> <p>assessment [1] 66/8</p> <p>Assistant [1] 1/15</p> <p>assisting [1] 67/4</p> <p>associate [1] 19/10</p> <p>associates [2] 5/24 43/5</p> <p>associating [1] 20/11</p> <p>assume [1] 67/4</p> <p>ATF [2] 1/20 2/10</p> <p>attempt [2] 35/18 62/6</p> <p>attempted [8] 37/10 37/12 37/14 37/18 38/24 39/5 39/22 39/25</p> <p>attorneys [2] 1/15 32/3</p> <p>attributed [1] 62/17</p> <p>audio [1] 21/12</p> <p>August [1] 1/8</p> <p>aunt [2] 50/22 51/23</p> <p>authorities [1] 14/4</p> <p>authority [1] 25/5</p> <p>autobiographical [1] 38/22</p> <p>available [1] 66/15</p> <p>Avenue [2] 6/19 6/20</p> <p>avoid [5] 41/11 41/17 43/3 44/10 56/17</p> <p>aware [7] 2/24 34/10 40/2 40/20 58/23 59/2 62/6</p> <p>away [1] 53/2</p> <p>Ayinde [4] 12/21 20/2 20/10 43/21</p> <p>Ayinde Deleon [4] 12/21 20/2 20/10 43/21</p> <p>B</p> <p>B-A-N-K-S [1] 53/23</p> <p>baby [1] 2/12</p> <p>back [17] 6/11 9/8 23/17 24/1 24/17 28/3 31/7 33/13 33/14 37/10 38/12 50/22 50/22 51/23 51/23 55/25 63/19</p> <p>backed [2] 10/2 10/2</p> <p>background [3] 4/11 5/8 8/15</p> <p>backwards [1] 22/21</p> <p>bad [2] 52/3 58/14</p> <p>bag [2] 7/6 18/8</p>
---	---	---

B		
baggage [1] 9/22	being [12] 3/13 14/12 16/21	calculate [1] 66/22
baggies [2] 6/24 46/1	20/25 31/24 35/7 47/16 47/16	calculated [1] 3/9
Bailey [28] 9/13 10/11 10/20	49/7 60/5 61/5 62/6	calculating [1] 66/25
11/19 15/10 15/25 16/10 18/3	beings [1] 58/13	caliber [1] 38/13
18/6 18/16 18/17 20/23 20/24	believe [22] 16/10 26/11 28/7	call [19] 2/5 20/22 21/12
21/5 23/3 23/9 23/24 32/5	28/17 28/22 33/2 33/6 33/23	21/13 21/15 22/22 23/2 23/8
37/19 38/3 38/14 39/2 40/23	36/4 46/4 48/25 49/12 55/4	23/11 23/15 23/15 23/17 23/22
40/24 41/21 47/19 60/2 60/8	61/2 62/15 62/19 63/13 63/14	23/22 27/23 40/22 42/8 51/15
Bailey's [7] 11/23 14/15	64/6 64/20 65/20 66/24	63/2
14/16 15/5 17/20 38/22 47/18	below [4] 25/20 30/9 45/13	called [2] 15/16 60/2
baking [2] 9/20 11/16	65/8	calls [5] 39/11 41/5 41/14
Baltimore [8] 1/9 1/25 6/15	bench [2] 57/23 57/25	41/19 41/19
6/22 14/8 36/20 42/20 66/15	Benz [4] 17/8 17/11 18/25	came [11] 9/8 10/7 21/7 21/14
BANKS [49] 1/5 2/7 2/18 2/21	19/1	22/12 32/21 37/22 39/1 41/5
3/13 3/24 5/12 5/19 6/7 7/10	besides [1] 32/11	42/7 48/15
7/13 10/9 10/16 11/14 15/6	best [2] 51/12 52/15	camera [1] 37/16
16/9 20/9 20/15 21/8 22/15	better [3] 11/5 16/22 55/8	can [25] 2/3 10/10 10/13
32/8 37/19 38/3 38/11 38/16	between [4] 13/6 25/17 28/13	10/19 11/15 12/10 15/23 19/25
39/21 49/10 53/21 55/18 55/23	56/18	26/20 27/5 30/16 32/13 34/1
56/23 58/15 59/4 59/11 59/19	Bey [1] 13/17	42/4 47/24 51/2 51/12 52/2
60/2 60/8 60/14 60/14 60/24	beyond [11] 4/18 25/14 26/19	52/15 53/2 53/3 57/22 58/24
62/2 62/16 62/17 63/3 64/21	27/5 43/10 45/24 47/13 47/20	62/24 66/5
65/1 65/7 66/3 67/1	48/23 51/8 59/6	can't [10] 21/16 22/9 22/9
Banks' [6] 11/20 29/14 39/12	big [3] 54/16 54/22 54/25	26/15 51/14 51/25 53/8 54/14
58/6 58/12 63/19	biggest [1] 5/10	54/20 55/2
banner [1] 20/4	Bino [1] 16/1	candlelight [1] 19/12
base [1] 5/14	birth [1] 2/12	cannot [2] 24/11 64/23
based [12] 26/25 28/17 28/22	bit [6] 4/11 11/9 11/10 26/20	cap [2] 24/8 46/15
31/4 31/17 31/21 31/21 31/23	41/10 59/7	capital [1] 53/22
45/21 49/12 61/11 65/4	bitch [1] 39/14	car [3] 9/9 13/25 17/9
basically [8] 20/19 21/5	black [4] 17/8 17/10 18/25	career [1] 34/12
24/22 26/2 40/25 41/3 47/10	19/1	carry [1] 54/17
48/4	Blackston [1] 17/6	case [53] 1/4 2/5 2/8 4/13
basis [1] 7/5	BLAKE [1] 1/11	4/20 5/3 11/3 13/10 13/12
be [57] 2/3 3/20 5/15 8/6	blessed [1] 54/2	13/19 16/2 19/4 23/13 23/23
11/24 13/4 16/22 18/2 18/6	blow [1] 11/8	24/23 25/5 25/6 25/9 25/10
18/12 18/25 19/15 23/24 24/19	blow-up [1] 11/8	27/15 28/20 29/1 31/6 32/7
25/9 27/1 30/25 31/15 34/1	Bo [1] 12/3	32/24 34/6 34/8 35/1 35/4
35/2 37/3 38/14 39/10 40/2	BOF [2] 14/21 15/7	36/11 42/15 42/20 43/7 43/15
45/2 48/16 48/19 49/1 49/10	BOP [1] 66/13	44/10 46/17 46/21 47/2 47/7
49/10 49/18 49/23 51/16 52/8	born [1] 54/1	47/22 47/23 48/5 48/10 48/12
53/8 56/14 57/5 57/6 57/11	boss [5] 12/20 14/21 14/24	48/17 48/25 49/10 49/18 54/22
57/22 58/11 58/13 61/21 62/2	15/7 15/9	56/19 58/20 59/4 61/21
62/24 63/8 64/5 64/23 65/7	bosses [2] 12/22 14/12	cases [5] 24/15 25/3 27/4
65/22 65/24 66/4 66/6 66/21	both [14] 4/17 6/12 6/20 7/10	34/13 45/6
67/3 67/4 67/6	7/16 10/12 21/3 45/8 46/24	casket [1] 20/4
because [26] 8/6 17/9 18/2	54/7 58/3 61/8 63/23 67/2	categorize [1] 61/16
20/11 22/10 22/11 26/13 26/25	Bowers [1] 7/13	category [7] 33/23 33/24
27/22 30/5 33/8 34/9 34/13	box [1] 11/16	34/24 35/10 35/13 35/18 35/19
35/1 35/14 35/15 35/23 38/13	boxes [2] 8/1 34/21	Category III [3] 33/23 35/10
43/24 54/8 54/8 55/3 56/2	boy [1] 2/13	35/18
56/9 56/13 59/10	boyfriend [1] 51/5	Category IV [1] 33/24
beef [2] 31/17 31/24	Braham [2] 13/18 19/9	Category V [1] 34/24
been [20] 5/7 19/13 20/10	breaking [1] 48/24	CATHERINE [1] 1/11
26/19 34/11 45/7 51/2 51/2	Brian [3] 1/17 2/18 41/24	CCB [2] 1/4 2/8
51/9 51/19 51/20 52/15 53/2	Brian Johnson [1] 41/24	CCB-16-0267 [2] 1/4 2/8
54/23 54/24 54/24 61/23 64/21	Brian Sardelli [2] 1/17 2/18	cell [4] 10/23 10/24 17/19
65/2 65/17	briefly [1] 38/11	60/9
before [10] 1/11 8/12 8/16	brother [11] 9/2 9/4 9/6 9/8	cell phone [2] 10/24 60/9
23/17 23/19 32/14 32/21 33/3	9/9 50/14 51/2 51/6 52/9	cell phones [1] 17/19
37/17 56/24	52/14 54/24	CELL-15A [1] 10/23
beginning [3] 15/15 15/22	brought [1] 28/8	center [4] 15/10 16/9 20/1
15/23	bump [2] 12/15 13/3	41/18
behalf [2] 2/7 2/18	bunch [1] 17/18	certain [2] 14/19 14/25
behavior [1] 65/1	Bureau [1] 65/19	certainly [15] 8/11 9/24 40/2
behind [6] 16/10 37/25 38/1	busiest [1] 36/23	50/2 53/18 55/20 59/10 59/17
38/2 38/5 42/10		61/3 61/8 61/14 61/20 62/1
	C	62/8 64/20
	cable [1] 53/8	Certified [1] 67/16

<p>C</p> <p>certify [1] 67/10</p> <p>challenges [1] 31/13</p> <p>chambers [1] 24/17</p> <p>Champagne [5] 26/5 27/13 28/1 28/12 29/3</p> <p>Champagne's [1] 29/22</p> <p>chance [4] 3/24 12/10 52/5 55/18</p> <p>changed [1] 39/5</p> <p>character [1] 3/4</p> <p>characteristics [2] 42/11 65/12</p> <p>charged [1] 8/12</p> <p>chastised [1] 23/4</p> <p>Chi [2] 17/6 17/6</p> <p>Chi-Chi [1] 17/6</p> <p>Christina [2] 1/15 2/7</p> <p>Christina Hoffman [2] 1/15 2/7</p> <p>churn [1] 42/22</p> <p>Circuit [4] 4/13 4/20 4/24 27/5</p> <p>circumstance [1] 59/8</p> <p>circumstances [2] 59/2 66/7</p> <p>cite [1] 4/20</p> <p>cited [2] 5/2 59/15</p> <p>cites [2] 25/3 25/4</p> <p>city's [1] 42/18</p> <p>claimed [1] 26/6</p> <p>cleaning [1] 53/10</p> <p>clear [10] 4/13 5/11 18/2 23/8 23/18 43/11 58/13 62/20 64/23 66/21</p> <p>clear-cut [1] 18/2</p> <p>clearly [3] 17/15 32/8 35/9</p> <p>client [8] 2/18 23/5 23/6 23/9 23/25 24/23 26/7 30/1</p> <p>clip [3] 15/18 18/7 21/16</p> <p>clips [1] 16/6</p> <p>close [2] 19/10 66/15</p> <p>clothing [1] 18/6</p> <p>club [4] 38/9 38/16 47/15 62/7</p> <p>co [3] 2/11 56/19 65/17</p> <p>co-counsel [1] 2/11</p> <p>co-defendants [2] 56/19 65/17</p> <p>cocaine [33] 5/14 5/22 6/9 6/24 6/25 7/6 7/19 7/25 8/14 8/20 9/5 9/9 9/16 9/16 11/21 11/21 13/21 24/21 26/8 34/19 36/18 37/1 40/13 46/2 49/14 59/5 59/12 59/20 59/25 60/3 60/20 60/24 63/23</p> <p>Code [1] 36/7</p> <p>collect [1] 42/1</p> <p>collecting [1] 61/13</p> <p>college [5] 54/4 54/6 54/7 54/8 55/7</p> <p>colored [1] 18/4</p> <p>Comcast [1] 51/19</p> <p>come [5] 29/21 37/10 42/2 42/4 65/14</p> <p>comes [3] 27/25 38/12 53/9</p> <p>coming [3] 49/5 57/9 58/7</p> <p>commented [1] 32/16</p> <p>commit [1] 36/15</p> <p>committed [3] 34/4 37/13</p>	<p>37/18</p> <p>committing [2] 37/7 40/20</p> <p>community [4] 48/2 49/9 56/12 56/14</p> <p>company [2] 51/19 51/19</p> <p>comparable [2] 65/8 65/16</p> <p>compelling [2] 19/4 42/20</p> <p>complete [1] 18/14</p> <p>completely [1] 10/15</p> <p>complicated [1] 58/13</p> <p>comply [1] 36/6</p> <p>concerned [1] 64/21</p> <p>concerning [1] 57/25</p> <p>conclude [1] 12/16</p> <p>concrete [2] 16/19 47/12</p> <p>conditions [1] 65/25</p> <p>conduct [12] 4/17 4/17 4/23 4/25 14/3 34/7 34/18 59/2 59/8 59/22 64/5 65/1</p> <p>Conehead [1] 13/16</p> <p>conference [2] 57/23 57/25</p> <p>confident [1] 48/12</p> <p>confirm [2] 52/1 55/13</p> <p>confronted [2] 19/12 19/13</p> <p>congratulations [1] 2/14</p> <p>conjecture [3] 27/2 27/23 30/2</p> <p>connection [5] 38/20 61/25 62/4 62/21 64/1</p> <p>consider [16] 4/17 4/23 4/24 8/10 9/25 32/11 32/13 32/18 35/23 36/2 55/16 58/19 59/1 60/10 64/13 65/3</p> <p>consideration [1] 5/4</p> <p>considered [3] 33/24 35/2 62/25</p> <p>considering [9] 59/8 63/2 63/5 63/7 63/11 65/9 65/15 65/15 65/16</p> <p>consistent [11] 6/20 10/15 14/11 15/2 15/12 15/14 20/23 21/8 22/12 60/19 63/25</p> <p>consistently [3] 6/3 10/2 47/6</p> <p>conspiracies [1] 36/15</p> <p>conspiracy [20] 2/22 3/14 5/13 8/7 8/13 8/18 8/22 12/5 16/20 18/12 28/14 43/6 43/23 45/8 56/7 56/7 60/25 62/10 62/11 62/12</p> <p>constricts [1] 26/24</p> <p>contained [1] 11/4</p> <p>contention [1] 28/9</p> <p>contest [3] 26/18 31/15 35/10</p> <p>continue [1] 47/10</p> <p>continued [1] 37/8</p> <p>continues [3] 40/12 40/12 48/23</p> <p>contrary [1] 40/7</p> <p>conversations [1] 50/13</p> <p>convicted [5] 17/1 27/20 33/4 48/7 62/13</p> <p>conviction [1] 67/2</p> <p>convictions [4] 34/7 34/18 35/2 63/21</p> <p>cook [2] 7/11 11/20</p> <p>cooked [2] 9/15 60/3</p> <p>cooperate [1] 14/4</p> <p>cooperating [3] 31/3 31/5</p>	<p>58/1</p> <p>cooperation [1] 9/23</p> <p>cooperator [2] 28/8 60/1</p> <p>copy [2] 11/5 23/20</p> <p>correct [6] 4/3 23/20 26/21 63/13 65/20 67/11</p> <p>corrected [1] 3/20</p> <p>correctly [1] 31/9</p> <p>corroborate [3] 30/23 60/13 60/21</p> <p>corroborated [8] 6/14 10/3 12/7 12/23 13/23 33/8 60/7 62/8</p> <p>corroborates [3] 8/11 22/14 59/22</p> <p>corroborative [4] 7/2 11/18 17/24 39/12</p> <p>could [6] 16/22 37/21 50/3 53/19 54/19 57/4</p> <p>couldn't [2] 15/18 55/9</p> <p>counsel [5] 2/9 2/11 58/3 63/13 64/9</p> <p>counsels [1] 32/6</p> <p>count [8] 2/22 24/23 24/24 52/15 63/21 65/18 65/21 66/8</p> <p>Count 1 [1] 24/23</p> <p>Count 2 [4] 2/22 65/18 65/21 66/8</p> <p>couple [2] 10/6 36/16</p> <p>course [19] 3/2 8/18 9/21 10/4 10/20 33/13 38/17 39/6 39/17 40/11 58/11 58/18 58/23 59/14 59/20 59/22 60/11 60/25 64/13</p> <p>court [54] 1/1 1/24 4/13 4/16 4/21 4/24 5/3 6/6 8/10 9/25 10/6 12/4 12/11 15/20 16/18 22/16 24/10 24/11 24/17 24/20 24/22 25/3 25/3 26/3 26/21 26/21 26/25 26/25 27/4 28/22 28/24 30/5 30/6 30/25 32/10 32/13 32/16 32/17 32/18 35/2 37/11 39/24 42/8 44/12 44/20 44/22 45/5 45/11 48/11 49/18 49/22 57/24 67/9 67/17</p> <p>Court's [6] 4/3 5/1 5/4 32/11 46/8 48/12</p> <p>courtroom [2] 1/9 58/11</p> <p>cousin [4] 28/6 31/13 54/25 62/18</p> <p>covers [1] 22/17</p> <p>crack [31] 5/14 5/22 6/9 6/24 6/25 7/6 7/19 7/25 8/14 8/20 9/5 9/9 9/16 11/21 13/21 24/21 26/8 34/19 36/18 37/1 40/13 46/2 46/2 49/14 59/5 59/12 59/20 59/25 60/3 60/20 60/24</p> <p>crack cocaine [30] 5/14 5/22 6/9 6/24 6/25 7/6 7/19 7/25 8/14 8/20 9/5 9/9 9/16 11/21 13/21 24/21 26/8 34/19 36/18 37/1 40/13 46/2 49/14 59/5 59/12 59/20 59/25 60/3 60/20 60/24</p> <p>Creams [1] 12/3</p> <p>create [3] 45/6 46/18 59/10</p> <p>created [2] 11/7 24/22</p> <p>credible [2] 45/23 62/15</p>
--	---	--

C credibly [1] 10/1 credit [1] 16/18 crimes [3] 34/4 42/25 44/8 criminal [19] 1/4 13/4 33/15 33/22 33/24 34/16 34/18 34/24 35/9 35/17 41/11 42/12 42/13 42/23 56/10 56/15 63/17 63/19 64/5 criminality [1] 42/17 CRR [3] 1/23 67/10 67/15 culpability [1] 65/3 culpable [1] 43/13 current [1] 35/7 custody [2] 2/19 65/19 customers [4] 6/17 6/23 59/20 61/12 cut [2] 18/2 29/21 cutting [1] 26/5	42/12 42/23 defendants [9] 27/16 27/20 31/3 31/5 34/11 34/11 44/7 56/19 65/17 defense [9] 12/10 15/16 23/24 28/16 29/19 32/3 32/5 41/20 46/9 deficient [1] 32/8 defined [1] 28/25 definite [1] 52/15 definition [1] 37/15 Delante [4] 13/11 43/24 44/3 44/5 Delante Lee [4] 13/11 43/24 44/3 44/5 Deleon [4] 12/21 20/2 20/10 43/21 demanded [1] 19/14 Dent [6] 13/9 13/25 37/16 37/25 38/1 43/21 deny [1] 52/1 Department [1] 6/15 departure [5] 33/20 34/1 34/24 34/25 35/12 Desean [2] 13/15 19/22 Desean McCorkle [2] 13/15 19/22 deserves [1] 49/10 despite [3] 27/5 43/22 55/3 detail [1] 5/16 detailed [1] 9/12 detailing [1] 53/11 details [2] 9/19 39/20 detection [2] 41/11 41/17 determination [1] 4/15 determined [1] 5/5 deterrence [3] 42/19 42/20 56/10 devastated [1] 36/19 devastates [1] 64/18 devastating [1] 56/11 Devin [8] 6/7 6/21 7/4 19/7 19/11 20/14 22/14 44/2 Devin Ferguson [7] 6/7 6/21 7/4 19/7 19/11 22/14 44/2 Devin Ferguson's [1] 20/14 Devon [6] 13/9 13/25 37/16 37/25 38/1 43/21 Devon Dent [6] 13/9 13/25 37/16 37/25 38/1 43/21 did [25] 4/18 4/20 6/5 7/18 9/22 10/6 19/21 21/10 23/20 25/5 26/11 27/6 27/12 32/4 32/6 34/5 38/23 43/9 43/25 47/23 55/14 55/22 63/10 65/9 66/21 didn't [16] 7/21 8/5 8/7 26/15 28/24 31/19 33/15 34/8 40/5 45/19 46/6 46/6 46/10 47/4 50/24 52/8 die [1] 18/17 died [1] 52/7 different [9] 14/2 25/9 25/13 32/7 33/19 34/4 38/15 43/24 59/7 differentiate [1] 31/20 difficult [3] 58/5 58/5 58/10 digital [2] 10/14 10/19 digital scale [2] 10/14 10/19	DiPaola [13] 6/15 26/9 26/13 26/19 28/2 28/15 29/23 32/22 32/23 45/22 45/25 49/12 59/18 DiPaola's [1] 28/20 Diplomate [1] 67/16 direct [1] 6/17 directing [2] 59/20 61/12 direction [1] 46/5 directly [1] 61/7 Dirt [8] 5/20 5/25 12/3 14/9 14/12 22/5 39/14 42/1 Dirt's [2] 13/7 42/5 disagree [9] 24/3 24/5 28/20 29/6 30/3 32/25 49/2 49/3 49/4 disagreeing [1] 49/8 disagreements [1] 3/16 disagrees [1] 3/11 disclosed [1] 23/19 disclosure [1] 23/14 discovered [1] 21/11 discretion [1] 26/22 discussed [1] 20/24 disparities [3] 43/3 44/11 56/18 disparity [2] 45/6 46/18 dispute [7] 5/10 12/10 12/14 23/22 32/25 48/20 51/18 distinguishable [1] 24/15 distribute [2] 2/23 8/23 distributed [4] 5/13 8/20 36/25 64/17 distribution [4] 7/19 8/14 56/8 63/23 DISTRICT [4] 1/1 1/1 4/21 5/4 District Court [1] 4/21 DIVISION [1] 1/2 do [37] 4/13 5/11 8/8 12/1 20/21 23/23 24/11 26/25 30/8 34/25 35/5 45/5 45/21 48/13 49/7 51/14 52/10 52/25 52/25 53/6 53/7 53/8 53/9 54/15 54/17 54/20 55/23 56/24 57/2 57/3 61/5 61/13 61/20 63/18 64/9 65/3 67/10 document [2] 14/16 14/18 documentary [1] 10/5 does [6] 12/16 36/4 40/14 40/16 41/12 63/20 doesn't [9] 16/18 18/9 36/8 38/18 39/24 41/16 57/5 58/25 64/3 doing [2] 51/19 52/15 Dominick [4] 10/24 10/25 11/12 42/2 Dominick Wedlock [4] 10/24 10/25 11/12 42/2 don't [26] 2/11 12/12 29/13 31/12 32/10 35/10 35/17 48/20 50/18 50/18 50/19 52/14 52/21 53/4 53/11 54/15 54/19 55/7 55/23 56/25 56/25 59/9 63/2 63/21 65/11 66/7 done [9] 31/23 44/22 44/24 50/15 50/16 51/13 55/10 58/15 64/21 Donte [1] 17/6 Donte Blackston [1] 17/6 Dontray [11] 16/1 16/8 16/24
--	--	--

D		
Dontray... [8] 17/1 17/4 38/5 38/6 40/23 40/25 41/1 41/23 Dontray Johnson [10] 16/1 16/8 16/24 17/1 17/4 38/5 40/23 40/25 41/1 41/23 Dontray Johnson's [1] 38/6 doubt [8] 4/19 25/14 43/10 45/24 47/13 47/21 59/7 59/10 Douglas [3] 1/23 67/10 67/15 down [10] 20/4 22/6 22/8 27/25 29/21 29/21 39/15 51/7 51/12 51/21 downs [1] 52/24 downwards [1] 45/14 draped [1] 20/3 drove [3] 9/2 17/10 17/10 drug [39] 5/4 5/9 5/25 6/17 6/18 6/23 7/25 12/2 12/7 12/11 13/7 13/22 24/24 25/6 26/2 29/14 29/17 31/18 31/22 34/7 34/14 34/19 36/17 36/23 36/24 37/5 40/12 43/19 44/5 45/8 46/24 56/7 60/15 61/25 62/3 62/12 62/21 62/21 64/25 drug-trafficking [6] 5/9 6/18 31/18 34/14 56/7 61/25 drugs [12] 3/10 7/12 36/18 42/3 42/22 46/6 46/7 48/7 56/8 61/12 64/16 64/17 during [7] 6/10 23/4 23/5 23/19 24/17 31/19 47/16	entourage [1] 39/8 error [2] 60/5 66/24 especially [1] 31/1 Esquire [2] 1/15 1/17 established [1] 5/12 estimate [1] 60/6 even [18] 8/16 16/18 28/7 30/9 31/3 31/4 32/25 33/6 39/24 46/4 47/8 49/2 53/4 53/4 53/5 60/5 61/15 64/15 evenly [2] 32/14 32/20 event [1] 59/9 ever [1] 23/18 every [5] 7/9 50/20 52/5 52/22 57/24 everybody [4] 22/9 51/20 52/23 52/24 Everybody's [1] 22/1 everyone [2] 2/3 46/23 everything [7] 27/17 27/20 27/21 39/17 53/7 53/9 55/4 evidence [66] 4/16 5/11 7/22 10/5 12/4 12/6 12/24 15/4 16/19 19/17 19/22 22/13 22/24 23/12 25/17 26/18 27/24 28/19 28/21 29/2 30/1 30/10 31/1 31/4 31/19 32/8 32/22 32/24 33/1 33/2 33/7 36/12 37/12 38/20 38/23 39/25 40/6 40/18 41/10 42/7 43/11 43/12 43/17 45/23 45/25 46/4 46/4 46/8 47/2 47/3 47/12 47/13 48/10 59/1 59/11 59/15 60/1 60/17 61/3 61/4 62/20 63/3 63/5 64/1 65/4 65/6 exactly [6] 7/14 11/25 25/25 26/11 34/6 39/9 example [2] 25/18 30/18 excerpts [1] 38/21 excess [3] 25/7 25/8 46/24 excessive [2] 48/23 49/17 excuse [2] 31/22 50/12 executed [1] 11/22 exhibit [2] 10/22 39/1 exhibits [2] 5/17 10/7 explain [2] 26/20 56/20 extended [1] 18/7 extensive [4] 3/14 37/12 61/8 61/10 extracted [1] 10/23 extreme [1] 49/17 extremely [4] 10/1 36/8 41/20 56/4	fallout [1] 19/19 familiar [1] 36/10 families [4] 36/20 64/19 64/24 64/25 family [25] 31/17 31/17 31/17 31/21 31/21 31/23 31/24 31/24 47/24 50/17 51/1 51/21 54/18 54/25 57/8 58/6 58/12 58/15 58/17 64/21 64/22 64/24 65/12 66/4 66/16 far [4] 45/8 46/24 50/14 55/5 fat [4] 21/7 23/2 23/6 23/24 father [12] 51/2 54/1 54/5 54/10 54/11 54/11 54/13 54/15 54/20 54/23 54/24 55/4 fatso [3] 23/2 23/7 23/24 FCRR [3] 1/23 67/10 67/15 featured [3] 15/17 15/21 40/8 February [1] 10/25 February 12th [1] 10/25 Federal [2] 1/24 67/17 feel [2] 22/10 48/2 felon [1] 17/1 felony [1] 34/7 female [1] 41/25 fence [1] 21/4 Ferguson [8] 6/7 6/12 6/21 7/4 19/7 19/11 22/14 44/2 Ferguson's [1] 20/14 few [4] 7/9 12/6 16/3 18/14 fight [1] 52/22 figure [1] 53/12 filed [2] 4/1 24/14 filing [1] 67/6 fill [2] 15/1 24/21 filling [1] 14/19 final [2] 17/14 56/24 finally [2] 19/6 43/1 finance [3] 14/21 14/24 15/7 financial [1] 66/6 find [8] 27/6 30/6 30/10 35/15 35/24 39/24 60/23 63/3 finding [5] 2/22 27/1 43/22 48/5 59/14 findings [1] 58/24 fine [3] 49/23 66/6 66/7 firearm [10] 8/1 16/13 17/2 17/4 17/7 19/14 34/21 38/13 61/25 63/23 firearms [14] 16/15 16/21 16/21 17/12 18/1 18/10 18/11 19/3 19/6 22/14 40/10 43/18 61/22 62/22 fires [1] 38/12 first [6] 53/22 54/6 54/11 58/2 61/24 63/20 Fish [1] 12/3 five [12] 3/14 5/19 12/18 13/5 13/6 13/7 13/20 13/20 36/14 60/14 61/6 61/9 fix [1] 52/13 flash [2] 16/15 40/10 flashed [1] 17/13 flashing [1] 19/2 Floor [1] 1/24 flourished [1] 14/8 Floyd [2] 50/5 50/9 folks [1] 58/7 followed [1] 65/22
E		
each [8] 4/8 23/5 24/2 29/7 30/16 51/8 51/23 57/10 early [1] 20/6 easier [2] 11/9 50/19 Eastside [14] 13/13 19/18 20/7 20/10 20/15 20/19 21/2 21/15 21/19 21/20 21/21 21/22 22/11 42/6 easy [1] 50/19 ECF [1] 4/2 ECF-1247 [1] 4/2 educational [1] 66/2 eight [1] 54/13 either [3] 12/1 44/24 46/23 eliminate [2] 37/3 46/19 else [10] 23/9 27/21 27/21 46/23 51/20 52/11 54/20 54/20 57/15 62/7 embraced [1] 37/2 end [4] 16/14 19/16 44/21 54/23 enemy [1] 20/20 enforcement [3] 10/3 41/12 41/17 engaged [2] 8/25 43/22 enhancement [3] 16/13 19/6 22/14 enhancements [4] 19/5 22/17 24/2 26/22 enough [1] 57/6 entailed [2] 9/20 9/20 entire [1] 61/17 entirely [1] 63/8 entitled [2] 45/20 67/12		
	F	
	F-I-O-Y-D [1] 50/9 facilitate [1] 66/16 facility [1] 66/14 facing [1] 9/23 fact [10] 4/20 23/4 31/5 32/13 32/18 35/3 37/13 38/17 40/7 44/3 factor [3] 35/21 35/24 66/22 factors [2] 64/14 65/15 facts [5] 7/21 27/24 36/11 48/9 48/23 fair [1] 48/3 fairly [1] 48/12 fall [1] 25/20	

F following [2] 2/21 27/25 footage [2] 37/16 39/20 foregoing [1] 67/11 foreseeable [7] 8/22 25/2 27/18 27/21 62/2 62/8 62/10 forfeiture [2] 44/15 44/16 forget [1] 44/14 form [2] 15/5 48/15 fought [1] 50/20 found [23] 24/23 25/7 25/8 25/10 26/14 27/4 27/11 27/17 27/18 27/21 28/18 28/23 45/8 45/9 46/21 46/22 46/23 48/19 49/11 59/4 59/6 64/16 64/16 four [5] 3/12 12/15 12/16 29/22 29/25 four-level [3] 3/12 12/15 12/16 fourth [7] 4/13 4/20 4/24 27/5 41/2 41/3 41/21 Fourth Circuit [4] 4/13 4/20 4/24 27/5 frankly [1] 62/24 Frazier [1] 16/11 frequently [1] 7/8 friends [1] 47/25 front [3] 10/13 11/15 41/18 fundamental [1] 37/2 funeral [3] 19/25 20/3 29/4 further [3] 35/19 37/9 44/12 furtherance [6] 18/12 31/18 40/3 43/25 62/3 62/11 future [1] 42/25	give [9] 5/18 12/10 23/20 35/21 41/16 45/14 50/3 53/19 57/18 given [1] 39/19 gives [1] 45/11 giving [2] 12/25 20/20 go [19] 3/7 4/5 9/6 17/20 22/3 25/6 26/4 27/5 33/13 35/23 38/15 48/9 50/10 51/13 52/8 54/15 55/3 55/7 55/24 go-to [1] 51/13 goals [1] 37/3 godfather [1] 15/11 goes [1] 22/13 going [38] 4/22 12/25 20/25 22/2 22/3 22/3 22/6 23/9 24/1 24/1 26/12 27/14 29/9 31/7 35/6 38/19 38/24 38/25 39/22 40/1 46/8 48/13 48/19 52/6 52/8 53/13 57/11 57/17 58/21 58/21 60/23 61/5 62/25 63/9 65/17 65/22 65/24 66/6 gone [3] 51/9 52/16 65/6 gonna [5] 21/25 22/1 22/2 22/6 39/10 good [12] 2/3 2/12 2/17 24/15 27/22 32/4 32/6 55/4 57/6 58/14 58/15 64/21 gossip [2] 23/11 27/23 got [18] 9/8 14/2 21/2 23/11 24/14 30/15 42/3 51/4 51/9 51/15 51/23 52/13 52/21 52/23 52/24 54/12 54/18 55/1 gotten [1] 48/6 Government [28] 3/11 3/19 4/7 22/22 23/20 24/9 25/4 26/3 28/8 30/15 30/20 31/13 31/20 32/24 33/13 35/14 36/4 36/12 45/5 47/2 47/5 48/4 49/7 56/1 56/3 59/16 62/1 63/18 Government's [7] 3/1 10/22 24/13 25/12 28/15 60/17 62/5 Government's Exhibit [1] 10/22 grab [1] 29/9 graduated [4] 54/4 54/6 54/7 54/7 gram [7] 7/1 9/18 26/10 28/1 28/2 46/3 49/14 grams [38] 5/14 8/20 9/11 9/16 9/17 11/21 24/11 24/16 25/2 25/11 25/20 26/4 26/7 26/10 26/13 26/13 26/14 27/1 27/3 27/6 27/12 28/4 28/11 28/13 28/23 29/23 30/7 32/11 46/2 46/12 46/22 46/25 59/5 59/12 59/24 60/4 60/6 60/23 grandmother [4] 50/22 51/7 51/22 52/12 grant [1] 63/16 great [1] 2/14 greater [1] 36/5 Greer [6] 6/7 7/10 7/14 9/12 10/16 11/18 grieve [1] 50/23 grieving [1] 36/20 group [1] 17/12 growing [1] 50/24 guess [6] 3/7 12/25 22/21	27/11 29/1 40/22 guessing [1] 27/2 guideline [7] 13/3 33/21 62/16 64/6 64/12 65/14 65/20 guidelines [17] 3/8 3/17 3/18 3/21 4/4 4/8 5/6 12/9 12/13 33/25 35/21 35/25 58/21 58/24 63/1 66/22 66/25 guilty [24] 2/22 11/2 13/10 13/11 16/1 24/20 24/23 24/24 27/17 28/19 28/23 34/12 43/5 43/14 43/15 45/7 45/8 45/9 46/21 46/22 46/23 48/19 49/11 57/24 gun [7] 18/7 31/7 31/8 31/25 38/12 47/9 65/1 guns [2] 42/3 62/11 Gutta [3] 39/8 39/9 39/16 Gwynn [19] 5/21 6/1 6/8 6/13 6/19 7/15 7/19 9/3 9/15 12/20 14/9 16/4 19/24 20/18 29/18 36/24 42/1 60/16 61/14 Gwynn Oak [18] 5/21 6/1 6/8 6/13 7/15 7/19 9/3 9/15 12/20 14/9 16/4 19/24 20/18 29/18 36/24 42/1 60/16 61/14
G gang [54] 5/23 5/24 5/25 10/12 11/4 11/12 11/14 13/23 13/24 14/6 14/7 14/14 14/19 16/7 16/7 16/15 16/16 17/17 17/23 17/23 18/19 18/20 18/22 19/13 20/1 20/13 20/14 31/18 31/21 31/22 36/13 37/7 38/4 40/3 40/4 40/5 40/9 40/10 40/13 40/14 40/16 40/20 41/7 41/8 41/15 42/9 42/24 43/5 43/11 43/13 43/14 43/18 44/1 63/5 gang's [3] 37/9 37/19 40/9 gang-related [1] 11/4 gangs [2] 42/18 42/21 gave [5] 2/12 9/12 9/19 22/7 22/22 general [1] 62/22 generalities [1] 29/21 generality [1] 27/19 generally [4] 27/19 29/15 29/17 61/13 generation [3] 41/3 41/4 41/22 get [19] 8/16 15/18 16/19 21/16 21/25 22/3 26/4 26/17 31/25 32/1 36/8 37/21 38/11 50/19 52/5 54/1 54/9 55/18 59/20 gets [3] 39/3 46/11 48/2 GF [1] 15/10 girl [1] 54/6		H had [23] 3/24 5/5 6/8 6/23 8/6 9/9 13/21 15/17 19/13 19/14 20/10 24/19 25/8 28/25 31/5 32/16 33/14 34/12 40/2 43/17 43/18 50/12 50/13 half [1] 50/25 hammering [1] 48/21 hand [2] 62/14 63/7 handful [1] 42/16 handgun [1] 16/24 handle [1] 46/6 hands [2] 27/10 27/11 handwriting [1] 14/17 handwritten [1] 14/16 hangin' [1] 22/11 happen [6] 21/7 38/19 38/24 38/25 39/23 40/1 happened [6] 19/19 30/20 31/15 31/16 39/6 62/19 happens [1] 38/18 happy [3] 4/8 12/9 35/23 hard [3] 11/13 11/25 27/24 Harris [4] 13/13 19/18 20/6 63/4 has [23] 3/24 11/7 17/7 22/16 23/22 26/19 26/21 30/5 32/24 33/22 34/2 38/14 44/12 49/7 52/14 54/6 54/13 56/11 56/14 58/15 64/21 65/1 65/4 have [61] 2/11 2/25 3/1 3/1 3/2 3/6 3/23 3/25 5/7 8/5 8/8 8/24 9/1 9/22 12/2 16/3 20/12 28/25 29/1 30/10 31/2 31/14 31/16 33/1 34/6 34/6 34/11 34/15 45/16 48/6 48/18 49/20 50/15 50/16 50/20 50/24 52/3 54/17 55/5 55/10 55/22 56/24 56/25 57/5 57/13 58/4 58/19 59/24 60/1 61/23 63/20 64/13 64/16 65/3 65/15 65/17 66/10 66/10 66/23 66/25 67/1

<p>H</p> <p>having [1] 20/17</p> <p>HDMI [2] 15/19 21/17</p> <p>he [107]</p> <p>he'll [1] 66/4</p> <p>he's [24] 15/25 33/23 35/9 37/24 38/13 40/9 40/24 41/10 45/11 45/20 46/11 46/13 46/20 48/19 52/2 52/3 52/16 53/10 54/23 54/23 54/24 54/24 54/25 54/25</p> <p>head [1] 22/6</p> <p>healthy [1] 2/12</p> <p>hear [2] 4/9 45/19</p> <p>heard [9] 12/4 20/9 21/1 21/2 21/6 21/22 37/12 47/1 51/25</p> <p>hearsay [1] 23/12</p> <p>heart [1] 45/23</p> <p>Heights [14] 5/22 6/1 6/9 7/15 7/20 9/15 12/20 16/5 19/24 20/18 29/17 36/24 60/16 61/14</p> <p>held [4] 46/11 51/6 51/20 56/6</p> <p>help [6] 41/25 51/11 52/13 52/16 53/6 65/12</p> <p>her [2] 42/1 51/4</p> <p>here [41] 2/9 2/21 5/18 6/5 7/20 8/24 10/10 11/6 11/8 11/17 12/3 14/7 14/25 15/6 15/18 15/24 16/8 16/11 16/25 17/3 17/7 17/8 18/3 18/13 20/1 20/4 22/8 25/14 32/11 33/19 34/15 37/24 37/25 38/6 39/5 39/14 39/15 47/25 54/13 56/21 64/16</p> <p>here's [5] 16/8 17/14 18/24 24/12 38/1</p> <p>hereby [1] 67/10</p> <p>heroin [1] 36/17</p> <p>high [4] 36/17 37/15 55/7 56/15</p> <p>high-definition [1] 37/15</p> <p>high-volume [1] 36/17</p> <p>higher [4] 5/7 25/24 35/1 48/7</p> <p>highlighted [2] 40/18 42/8</p> <p>highly [7] 7/2 11/18 16/17 24/8 35/4 37/15 47/19</p> <p>Hill [3] 37/11 38/13 62/7</p> <p>Hill's [1] 39/4</p> <p>him [46] 2/22 6/16 8/1 8/22 17/6 19/12 19/14 20/20 23/6 26/12 26/15 27/12 27/12 28/3 28/19 28/23 33/4 34/25 35/19 41/7 41/8 42/25 44/5 45/14 47/13 48/21 51/16 51/21 51/24 51/25 52/2 52/5 52/6 52/9 52/19 52/19 52/20 53/6 53/13 53/14 54/21 55/5 57/2 57/3 62/8 67/4</p> <p>himself [2] 8/19 8/25</p> <p>hindsight [1] 8/8</p> <p>his [36] 6/9 9/2 9/4 9/6 9/8 9/9 16/24 17/4 19/13 20/20 29/16 39/8 41/15 41/16 43/19 45/22 47/24 49/25 52/15 53/17 54/24 56/19 57/6 58/15 60/17</p>	<p>61/11 62/6 62/18 64/21 64/22 65/8 65/11 65/12 65/12 66/4 66/6</p> <p>history [11] 33/15 33/22 33/24 34/24 35/9 35/17 42/11 42/23 43/18 56/15 63/17</p> <p>hit [5] 26/12 26/15 27/12 39/3 39/13</p> <p>Hoffman [4] 1/15 2/5 2/7 55/21</p> <p>hold [4] 24/10 24/10 51/12 56/25</p> <p>holdout [1] 32/19</p> <p>holdouts [1] 32/19</p> <p>home [3] 21/7 42/2 51/15</p> <p>Honor [132]</p> <p>HONORABLE [1] 1/11</p> <p>hope [1] 66/5</p> <p>hoped [1] 15/18</p> <p>hopeful [1] 48/16</p> <p>hoping [1] 9/24</p> <p>hours [3] 6/10 6/18 7/8</p> <p>house [18] 6/8 6/11 6/13 6/17 7/11 7/17 9/3 9/7 9/7 9/8 9/14 10/17 10/19 11/20 50/25 51/1 60/3 60/8</p> <p>houses [3] 10/10 42/5 50/24</p> <p>how [5] 14/2 39/19 41/11 41/15 52/21</p> <p>however [4] 7/7 35/11 35/12 49/13</p> <p>human [1] 58/13</p> <p>I</p> <p>I'd [1] 59/6</p> <p>I'll [12] 4/11 5/8 5/17 6/5 11/5 12/13 16/19 18/13 26/17 33/13 49/25 57/18</p> <p>I'm [45] 2/8 4/8 4/22 12/9 12/25 23/8 24/18 29/9 29/9 31/9 33/18 35/23 39/15 44/22 45/16 48/12 50/8 51/11 51/12 51/15 51/17 52/3 52/11 54/6 54/15 54/16 54/21 57/11 57/17 58/9 58/14 58/16 58/21 58/23 59/1 59/2 59/14 60/23 62/12 62/20 62/25 63/2 63/5 63/7 64/8</p> <p>I've [8] 3/5 27/4 46/20 51/19 51/20 55/5 61/7 65/6</p> <p>IC [1] 10/8</p> <p>IC-52 [1] 10/8</p> <p>iCloud [5] 11/23 15/5 17/20 18/5 18/15</p> <p>iCloud account [4] 11/23 15/5 17/20 18/5</p> <p>idea [7] 24/7 24/9 33/4 46/14 48/21 49/6 49/15</p> <p>identified [10] 7/16 10/9 10/25 11/14 13/6 13/20 15/6 20/7 20/12 60/17</p> <p>identifies [1] 15/8</p> <p>ignore [2] 29/13 48/4</p> <p>III [3] 33/23 35/10 35/18</p> <p>imagine [1] 60/11</p> <p>impact [1] 56/11</p> <p>important [11] 4/25 5/2 8/21 34/17 43/2 44/9 48/1 48/11 49/9 65/13 65/24</p>	<p>impose [2] 62/25 65/18</p> <p>imposed [1] 34/3</p> <p>imposing [1] 66/9</p> <p>impressed [1] 32/4</p> <p>imprisonment [1] 56/4</p> <p>incarcerated [2] 41/9 41/24</p> <p>incarceration [1] 65/22</p> <p>incident [17] 9/13 19/8 28/1 28/2 29/12 29/22 29/23 29/23 29/24 32/22 32/23 33/5 45/25 46/1 47/8 49/13 62/9</p> <p>incidents [4] 26/2 29/22 29/25 33/7</p> <p>include [1] 57/25</p> <p>included [1] 5/16</p> <p>includes [1] 59/17</p> <p>including [2] 14/3 58/10</p> <p>increase [2] 12/16 58/25</p> <p>independent [1] 34/4</p> <p>indicates [7] 34/15 38/23 39/16 39/21 40/11 42/9 43/17</p> <p>indicating [28] 11/17 14/23 15/6 15/9 15/11 15/25 16/5 16/9 16/9 16/10 16/11 16/25 17/16 18/4 18/7 18/8 18/18 20/2 20/5 37/24 37/25 38/2 38/2 38/3 38/4 38/6 47/25 54/8</p> <p>indictment [2] 21/25 22/3</p> <p>indiscretion [1] 42/15</p> <p>individual [3] 7/4 17/5 21/13</p> <p>influential [2] 41/20 42/24</p> <p>information [4] 8/4 8/10 36/1 58/4</p> <p>initials [1] 6/4</p> <p>inside [3] 7/16 9/8 10/9</p> <p>Instagram [2] 19/23 39/11</p> <p>instance [1] 7/25</p> <p>instances [5] 59/17 60/7 60/10 60/12 60/20</p> <p>instructed [1] 32/16</p> <p>instructions [1] 28/18</p> <p>interests [1] 37/9</p> <p>interjects [1] 21/5</p> <p>interpretation [1] 26/1</p> <p>intersection [2] 6/19 16/4</p> <p>intimidate [1] 37/3</p> <p>intimidated [1] 36/21</p> <p>introduce [2] 7/21 8/7</p> <p>introduced [12] 8/4 10/22 13/24 14/14 15/4 15/16 17/18 18/21 19/21 20/22 21/10 59/15</p> <p>invade [1] 4/22</p> <p>investigators [1] 20/12</p> <p>involve [2] 34/19 63/23</p> <p>involved [12] 3/10 3/14 16/20 26/7 37/6 47/11 47/17 56/8 58/10 61/9 64/1 65/2</p> <p>involvement [5] 29/14 29/17 43/6 43/19 65/9</p> <p>involves [1] 34/21</p> <p>involving [4] 8/13 13/5 28/5 34/7</p> <p>irresponsible [1] 42/16</p> <p>is [193]</p> <p>isn't [2] 31/16 42/15</p> <p>isolated [1] 60/12</p> <p>isolation [1] 60/10</p> <p>issue [10] 4/8 5/10 12/14</p>
---	---	---

I	K	
issue... [7] 18/2 18/10 31/17 34/8 44/14 44/16 59/10 issues [9] 2/24 3/8 3/21 4/3 12/9 12/13 48/15 58/18 58/22 it [118] it's [44] 4/13 5/2 8/9 8/18 11/9 11/13 11/25 14/1 14/2 15/12 18/10 21/12 24/16 25/21 27/2 29/13 30/13 30/18 33/20 34/17 34/17 39/17 40/22 42/17 45/24 47/9 47/12 48/1 48/11 49/9 52/11 52/21 52/22 54/11 54/13 54/16 54/16 59/7 60/9 62/1 62/8 62/24 63/23 64/17 its [4] 4/15 5/5 37/4 59/16 itself [2] 9/18 38/19 IV [2] 33/24 35/1	keep [2] 22/9 35/15 keeps [1] 57/6 kids [4] 52/15 52/16 53/11 54/13 kill [3] 18/17 42/21 62/6 killed [17] 13/14 13/19 19/9 19/13 19/14 20/10 20/17 20/18 21/2 21/19 21/20 21/21 21/22 22/11 31/24 40/24 51/10 killin' [1] 22/9 killing [1] 41/24 kilograms [1] 25/8 kind [5] 5/17 8/15 11/8 18/4 64/25 kinds [1] 12/23 knew [9] 7/14 16/21 21/6 37/7 38/19 38/24 39/22 39/25 42/9 knit [1] 54/18 know [38] 3/23 4/22 19/14 22/7 23/4 30/15 32/16 33/15 38/23 42/4 50/11 50/11 50/13 50/14 50/18 51/8 51/14 51/18 52/8 52/14 52/19 52/21 52/23 52/23 52/24 52/25 53/4 53/11 54/1 54/10 54/15 54/19 54/21 54/22 54/22 55/8 55/23 57/10 knowing [1] 40/14 knowledge [1] 42/9 known [9] 6/17 13/9 13/13 13/16 13/17 13/18 13/25 17/6 37/17 knows [4] 11/2 41/11 43/4 44/20	62/6 62/10 leaves [1] 38/11 leaving [1] 6/23 Lee [4] 13/11 43/24 44/3 44/5 left [3] 10/11 36/20 66/10 legal [1] 25/23 lengthy [3] 14/1 43/8 64/18 leniency [1] 9/24 less [11] 7/1 25/2 25/10 26/10 27/3 46/2 46/12 46/22 46/24 49/13 59/5 let [6] 4/5 25/16 29/6 33/18 58/2 66/21 Let's [1] 39/14 letters [2] 3/5 55/14 level [26] 3/10 3/12 5/14 5/15 12/15 12/16 25/18 25/24 34/13 35/1 35/1 36/17 59/13 61/1 61/4 61/15 61/18 62/14 63/1 63/14 63/16 64/3 64/5 64/15 65/8 65/14 Level 30 [1] 5/15 Level IV [1] 35/1 levels [1] 25/17 liable [1] 24/10 Liberty [14] 5/22 6/1 6/9 7/15 7/20 9/15 12/20 16/5 19/24 20/18 29/17 36/24 60/16 61/14 Liberty Heights [14] 5/22 6/1 6/9 7/15 7/20 9/15 12/20 16/5 19/24 20/18 29/17 36/24 60/16 61/14 life [3] 15/13 53/1 55/8 lifetime [2] 34/16 42/17 like [18] 2/5 4/7 10/14 11/16 18/7 22/9 26/16 30/18 39/15 42/21 44/21 51/11 52/19 52/21 53/17 55/19 56/23 57/4 likelihood [1] 56/15 limit [1] 32/10 limited [1] 43/19 line [3] 24/19 38/10 39/8 lines [1] 19/15 linking [2] 47/3 47/13 links [1] 23/23 list [1] 14/19 listed [2] 12/3 14/25 literally [2] 27/1 39/18 little [7] 4/11 11/9 11/10 26/20 43/24 54/9 59/7 live [1] 39/10 lived [3] 50/25 51/1 53/1 lives [1] 51/10 loaded [1] 34/21 location [1] 6/23 locked [1] 42/3 Lockley [2] 20/24 21/1 Lombard [1] 1/24 long [2] 58/24 65/2 longstanding [1] 42/17 look [4] 27/24 28/15 39/15 54/14 looking [1] 63/18 lookout [2] 46/5 59/19 looks [6] 10/14 11/16 18/7 18/25 41/22 42/4 losing [1] 55/3 lost [4] 50/22 51/22 55/2
J	L	
jail [9] 21/12 21/13 21/15 40/23 41/5 41/14 41/19 42/8 63/2 jail call [5] 21/12 21/13 21/15 42/8 63/2 jail calls [3] 41/5 41/14 41/19 Jamal [2] 20/24 21/1 Jamal Lockley [2] 20/24 21/1 Jason [1] 6/15 Jay [5] 6/7 7/10 9/12 10/16 11/18 Jay Greer [5] 6/7 7/10 9/12 10/16 11/18 jeans [1] 18/4 job [2] 32/4 32/6 Johnson [11] 16/1 16/8 16/24 17/1 17/4 38/5 40/23 40/25 41/1 41/23 41/24 Johnson's [1] 38/6 Jones [1] 43/16 judge [2] 1/11 28/17 judgment [1] 67/2 July [4] 4/1 14/15 20/6 39/15 July 15th [1] 4/1 July 3rd [1] 14/15 June [1] 11/23 June 2015 [1] 11/23 jurors [1] 4/18 jury [28] 4/15 4/23 5/5 24/20 25/7 25/8 26/14 26/24 27/9 27/10 27/14 27/15 28/17 28/18 32/17 33/4 35/16 43/9 45/9 47/23 48/14 49/8 50/13 59/4 63/7 63/9 64/16 65/5 jury's [5] 2/22 28/22 32/9 48/5 56/2 just [50] 3/4 3/21 4/11 7/6 9/10 12/6 15/20 18/13 18/13 19/1 21/17 22/10 24/19 29/9 30/13 32/19 33/18 34/13 34/25 35/21 35/24 38/1 38/17 42/15 48/1 49/6 49/19 50/11 50/16 52/5 52/17 52/17 52/17 52/17 53/5 53/19 54/2 54/9 54/19 55/13 55/22 55/25 56/20 57/5 57/7 57/7 57/8 60/6 60/21 65/16	lack [1] 29/20 LaEMMs [1] 15/12 language [2] 27/10 33/25 large [2] 37/1 40/12 Lashley [10] 6/12 6/20 9/1 9/2 26/6 26/13 28/3 28/10 29/3 29/23 Lashley's [1] 59/24 last [6] 2/13 11/8 18/2 22/9 50/20 53/23 late [1] 23/14 later [2] 26/20 63/2 law [6] 4/12 4/14 10/3 41/12 41/17 66/4 law enforcement [3] 10/3 41/12 41/17 law-abiding [1] 66/4 lawfully [1] 17/2 lays [1] 14/6 leader [11] 3/13 5/20 12/19 13/4 24/5 32/2 37/19 38/4 43/11 43/13 61/16 leader/organizer [2] 24/5 32/2 leaders [4] 14/7 17/17 17/23 40/9 leadership [3] 12/15 13/3 56/6 lean [1] 57/5 least [15] 36/14 36/16 36/25 40/1 40/19 59/12 60/13 60/16 60/23 61/3 61/4 61/6 61/14	

L		
lost... [1] 55/2	means [3] 20/5 23/16 64/6	61/9 61/16 62/15 63/22
lot [17] 3/16 5/16 9/19 17/22	media [1] 17/19	most [4] 4/3 9/22 28/21 42/18
18/21 23/11 25/17 30/1 46/10	meet [1] 9/7	mother [2] 50/22 51/22
47/1 47/24 54/16 54/22 58/18	Melvin [1] 9/2	motivation [1] 31/5
59/22 64/13 65/9	Melvin Lashley [1] 9/2	motive [1] 31/2
love [2] 54/11 57/8	member [8] 9/2 11/1 19/10	move [4] 11/10 12/9 12/12
low [3] 34/13 43/17 44/1	20/7 20/13 31/24 42/17 42/24	35/19
low-level [1] 34/13	members [24] 5/23 5/24 8/22	moved [1] 53/2
low-ranking [2] 43/17 44/1	12/4 16/7 16/14 17/16 18/20	moving [2] 33/18 33/20
lower [1] 47/21	20/17 36/25 37/4 37/20 40/2	Mr. [39] 2/16 2/21 3/3 3/13
	40/13 40/20 41/4 41/7 41/8	3/22 3/24 21/12 22/19 29/14
	41/15 41/22 43/5 43/14 47/24	32/5 33/14 44/18 55/18 55/23
	62/10	56/23 58/6 58/12 58/15 59/4
M	memo [10] 4/12 5/2 5/17 6/4	59/11 59/19 59/24 60/2 60/2
ma'am [5] 25/22 51/19 52/25	21/18 24/13 25/12 40/19 43/2	60/8 60/8 60/14 60/24 62/2
53/8 53/12	45/17	62/16 62/17 63/3 63/19 64/21
made [5] 52/3 55/5 55/5 62/7	memorandum [7] 3/1 3/3 22/24	65/1 65/7 66/3 67/1 67/4
66/25	23/1 25/4 28/16 59/16	Mr. Bailey [3] 32/5 60/2 60/8
Mafia [16] 5/21 9/3 10/21	memorial [4] 29/4 29/24 30/18	Mr. Banks [22] 2/21 3/13 3/24
11/1 12/19 14/2 15/13 15/17	47/8	55/18 55/23 56/23 58/15 59/4
15/24 17/15 20/8 36/13 37/2	mentioned [3] 6/12 7/10 45/16	59/11 59/19 60/2 60/8 60/24
38/8 40/8 41/4	Mercedes [4] 17/8 17/11 18/25	62/2 62/16 62/17 63/3 64/21
main [1] 28/9	19/1	65/1 65/7 66/3 67/1
make [10] 18/13 39/15 53/9	Mercedes-Benz [4] 17/8 17/11	Mr. Banks' [4] 29/14 58/6
53/12 55/8 55/19 56/24 58/24	18/25 19/1	58/12 63/19
59/14 62/9	mesh [1] 30/16	Mr. Lashley's [1] 59/24
makes [6] 19/4 26/16 31/4	met [2] 9/4 26/19	Mr. Randy Banks [1] 60/14
32/7 35/4 40/23	mic [1] 57/5	Mr. Sardelli [8] 2/16 3/3
making [15] 4/15 5/5 10/11	middle [1] 10/11	3/22 21/12 22/19 33/14 44/18
10/12 10/20 11/12 16/7 16/16	might [2] 3/7 52/3	67/4
17/15 17/17 17/23 18/19 18/22	mind [1] 32/9	Ms. [3] 2/5 2/11 55/21
20/1 40/9	minor [4] 45/11 45/20 46/9	Ms. Hoffman [2] 2/5 55/21
Malcolm [3] 6/12 6/20 9/1	61/20	Ms. Perry [1] 2/11
Malcolm Lashley [3] 6/12 6/20	minute [2] 16/19 57/18	much [7] 27/17 27/22 27/25
9/1	minutes [1] 7/9	36/9 39/19 51/14 52/21
man [13] 21/7 23/2 23/6 23/24	MIP [1] 20/5	multi [1] 18/4
42/16 52/2 52/4 54/8 54/10	Mirage [5] 39/3 39/6 39/7	multi-colored [1] 18/4
54/25 54/25 55/4 55/9	47/15 62/7	multiple [2] 36/14 38/12
manager [2] 61/5 61/15	misguided [1] 42/16	Murda [4] 12/21 14/10 14/12
manager/supervisor [1] 61/15	missed [1] 46/20	20/10
many [4] 34/16 37/1 41/16	MMP [18] 5/21 9/3 11/12 11/14	Murdaland [16] 5/21 9/3 10/21
43/7	14/12 17/23 18/15 18/22 19/10	11/1 12/19 14/2 15/13 15/17
marijuana [1] 18/8	20/1 20/4 20/4 20/18 36/19	15/24 17/15 20/8 36/13 37/2
Mark [1] 22/2	36/25 37/20 41/22 42/21	38/8 40/8 41/4
market [1] 37/5	MMP banner [1] 20/4	Murdaland Mafia [6] 14/2
Martin [1] 1/20	MMP's [1] 36/23	15/13 15/17 15/24 17/15 40/8
MARYLAND [3] 1/1 1/9 1/25	mob [2] 14/8 38/7	Murdaland Mafia Piru [9] 5/21
matches [1] 39/19	mobbin' [1] 20/5	9/3 10/21 11/1 12/19 20/8
material [1] 3/6	mobster [2] 43/17 44/1	36/13 38/8 41/4
math [2] 63/14 64/9	modified [1] 3/20	Murdaland Mafia Piru's [1]
matter [1] 67/13	mom [1] 51/4	37/2
Maurice [2] 13/18 19/9	moment [2] 19/2 51/23	murder [21] 19/18 19/18 19/20
Maurice Braham [2] 13/18 19/9	Monday [1] 1/8	21/15 36/15 37/10 37/13 37/14
maximum [2] 48/22 58/25	money [6] 12/2 39/13 41/8	37/18 38/24 39/5 39/22 39/25
may [9] 4/16 6/16 18/2 45/16	41/23 42/1 61/13	40/3 40/15 40/20 40/25 47/3
45/25 49/13 54/5 59/18 66/25	monopolize [1] 37/4	47/9 47/11 63/4
May 12th [1] 6/16	months [11] 5/7 24/4 36/5	murdered [2] 20/8 42/6
May 27th [1] 49/13	45/12 46/13 46/18 49/4 49/16	murders [4] 36/14 37/8 47/14
maybe [2] 8/8 51/17	49/16 64/7 65/19	56/8
McCorkle [3] 13/15 19/22 20/2	Mookie [11] 13/18 19/9 19/14	must [3] 4/24 14/3 15/1
me [21] 2/9 2/11 4/5 4/8	20/17 28/5 31/13 47/8 51/9	my [44] 2/11 2/18 2/19 22/2
25/16 26/16 29/6 31/22 33/18	52/7 55/2 62/18	23/4 23/6 23/9 23/25 24/23
36/1 50/5 50/12 51/6 52/7	Mookie's [5] 19/20 19/25 20/4	26/1 26/7 27/11 30/1 30/6
52/22 53/2 54/10 58/2 58/23	29/4 29/24	50/5 50/14 51/2 51/2 51/4
63/13 66/21	Moore [2] 1/20 2/10	51/6 51/6 51/7 51/7 51/13
meal [1] 52/13	more [23] 3/14 5/14 8/20 13/5	51/20 52/9 52/14 53/7 53/9
mean [8] 22/7 29/7 35/9 38/19	13/20 25/9 25/21 26/17 31/4	53/21 53/21 53/22 54/1 54/5
51/18 52/17 53/5 53/7	31/4 33/23 34/2 34/3 35/7	54/9 54/13 54/15 54/17 54/20
meaning [1] 21/3	35/15 36/9 43/13 52/21 59/10	55/4 57/8 57/18 63/13 64/9

<p>N</p> <p>N-A [1] 53/22</p> <p>Na'Tassija [1] 53/21</p> <p>Na'Tassija Banks [1] 53/21</p> <p>name [9] 20/12 50/3 50/3 50/5 53/19 53/20 53/21 53/22 53/23</p> <p>named [2] 20/11 21/13</p> <p>names [1] 6/5</p> <p>narcotics [1] 2/23</p> <p>nature [1] 56/4</p> <p>near [7] 6/8 6/13 6/19 7/13 7/15 9/3 57/5</p> <p>necessarily [1] 59/19</p> <p>necessary [4] 8/19 36/6 56/10 59/9</p> <p>need [11] 42/20 42/24 43/2 51/11 52/12 52/19 52/19 52/20 53/6 53/6 54/20</p> <p>needed [1] 51/23</p> <p>needs [5] 30/25 56/14 57/15 65/7 67/3</p> <p>neighborhoods [1] 36/19</p> <p>nevertheless [2] 7/2 8/9</p> <p>new [1] 22/24</p> <p>news [1] 51/23</p> <p>newspaper [1] 11/16</p> <p>next [8] 11/12 14/24 15/25 17/16 18/5 19/2 35/13 40/7</p> <p>night [1] 7/8</p> <p>nightclub [3] 37/17 39/3 39/6</p> <p>nighttime [2] 6/10 6/18</p> <p>Nikki [1] 1/20</p> <p>Nikki Martin [1] 1/20</p> <p>no [22] 1/4 3/21 4/24 22/9 25/24 28/7 40/5 43/17 43/18 43/22 44/16 44/16 47/3 47/12 47/19 52/11 52/12 57/16 59/10 66/12 66/18 66/20</p> <p>nobody [4] 52/11 54/20 58/14 58/14</p> <p>none [1] 52/1</p> <p>nonetheless [1] 44/1</p> <p>nonfatal [1] 36/14</p> <p>Nooks [3] 39/3 39/5 39/7</p> <p>NORTHERN [1] 1/2</p> <p>Northwest [1] 36/20</p> <p>Northwest Baltimore [1] 36/20</p> <p>Norwood [1] 7/13</p> <p>not [69]</p> <p>note [7] 7/18 28/17 28/22 32/14 32/21 32/21 59/6</p> <p>noted [1] 67/3</p> <p>notes [5] 28/18 33/2 33/3 48/14 63/8</p> <p>nothin' [1] 54/20</p> <p>nothing [1] 62/7</p> <p>Notice [1] 67/7</p> <p>notion [1] 56/1</p> <p>Notwithstanding [1] 35/3</p> <p>November [3] 11/7 13/25 15/23</p> <p>November 2014 [1] 11/7</p> <p>now [10] 9/21 17/21 24/18 26/17 32/21 32/23 38/17 44/24 52/20 55/23</p> <p>number [14] 2/8 2/24 11/4 13/1 16/6 18/23 26/5 26/6 29/16 34/11 41/5 41/14 41/16 60/15</p>	<p>numbers [1] 11/25</p> <p>numerous [6] 11/1 50/12 50/12 50/13 50/24 56/8</p> <p>Nutty [2] 40/24 41/24</p> <p>Nutty B [2] 40/24 41/24</p> <p>O</p> <p>O sheet [2] 11/23 11/24</p> <p>Oak [19] 5/21 6/1 6/8 6/13 6/19 7/15 7/19 9/3 9/15 12/20 14/9 16/4 19/24 20/18 29/18 36/24 42/1 60/16 61/14</p> <p>object [6] 23/14 23/15 26/2 35/11 35/17 35/18</p> <p>objecting [1] 22/24</p> <p>objection [2] 25/23 30/6</p> <p>objections [4] 4/1 22/23 28/16 28/16</p> <p>observation [1] 59/22</p> <p>observations [1] 59/18</p> <p>obvious [2] 31/2 58/16</p> <p>obviously [15] 3/10 3/23 4/12 4/25 17/1 25/21 26/9 27/15 35/11 35/20 42/19 58/5 58/5 58/9 67/1</p> <p>occasion [3] 6/22 9/17 9/17</p> <p>occasions [3] 7/23 8/12 34/4</p> <p>occurred [1] 30/12</p> <p>October [1] 37/11</p> <p>off [1] 41/13</p> <p>offenders [1] 34/13</p> <p>offending [1] 56/16</p> <p>offense [18] 3/10 5/14 14/5 25/18 25/24 34/8 36/8 47/19 56/5 59/13 60/25 61/25 62/21 62/21 63/14 64/3 64/5 64/15</p> <p>Offense Level 28 [1] 25/18</p> <p>Offense Level 3 [1] 64/3</p> <p>offenses [2] 8/13 34/14</p> <p>officer [14] 1/20 6/15 24/4 26/1 26/9 26/19 28/2 28/20 45/22 49/12 58/3 59/18 66/1 66/3</p> <p>Officer DiPaola [6] 26/9 26/19 28/2 45/22 49/12 59/18</p> <p>Officer DiPaola's [1] 28/20</p> <p>Officer Jason DiPaola [1] 6/15</p> <p>officers [2] 6/22 7/24</p> <p>Official [2] 1/24 67/17</p> <p>often [1] 7/6</p> <p>Oh [1] 2/14</p> <p>okay [17] 2/20 3/22 4/5 12/14 22/18 30/4 33/10 35/5 35/20 44/17 45/2 50/1 53/25 56/22 64/12 66/19 67/8</p> <p>old [5] 42/14 51/4 54/16 54/21 55/6</p> <p>older [1] 52/12</p> <p>once [2] 44/22 44/24</p> <p>one [52] 7/25 10/3 10/9 10/20 11/5 13/9 14/6 15/5 16/8 17/14 18/1 18/22 19/17 19/23 24/1 24/2 27/14 27/14 28/8 28/10 28/12 29/12 30/20 30/23 32/19 33/4 33/8 34/2 34/3 34/21 35/1 35/21 35/24 41/12 42/5 42/17 43/15 46/11 46/19 47/5 47/8 50/20 50/25 51/1</p>	<p>54/2 55/2 55/22 61/24 62/1 63/16 64/13 66/22</p> <p>one-level [1] 63/16</p> <p>ones [2] 30/17 63/22</p> <p>only [13] 28/10 28/12 30/5 30/20 37/6 46/21 50/25 54/2 54/10 54/11 54/16 60/7 66/22</p> <p>open [1] 6/6</p> <p>operated [2] 5/23 13/25</p> <p>operation [2] 6/9 44/5</p> <p>opportunity [2] 44/21 49/21</p> <p>ordered [1] 38/14</p> <p>orders [1] 22/7</p> <p>organization [2] 61/6 61/17</p> <p>organization's [1] 62/3</p> <p>organizer [4] 3/13 13/4 24/5 32/2</p> <p>original [2] 4/1 14/7</p> <p>other [53] 3/18 5/4 12/9 12/12 16/7 17/5 17/16 17/23 18/20 21/23 23/5 23/5 23/12 25/13 26/22 27/7 27/16 27/20 28/18 29/3 29/13 32/3 32/5 33/7 36/18 36/25 37/20 38/20 38/23 40/13 40/18 40/20 41/6 41/14 43/4 43/13 48/8 48/15 51/8 57/10 58/18 62/10 62/14 62/22 63/7 64/13 64/24 64/25 65/8 65/9 65/15 65/16 66/17</p> <p>others [3] 20/2 37/7 60/14</p> <p>otherwise [3] 5/7 61/8 61/9</p> <p>ought [1] 64/23</p> <p>ounce [1] 9/11</p> <p>our [19] 4/3 5/2 22/23 23/3 24/11 28/9 30/25 40/18 43/2 45/13 45/23 50/16 50/22 51/10 51/21 51/22 51/22 51/23 53/1</p> <p>out [19] 9/8 14/6 16/24 17/4 32/14 33/2 36/6 38/15 41/1 41/16 41/25 42/22 50/15 50/19 53/11 53/12 55/8 65/14 66/10</p> <p>outlined [1] 8/2</p> <p>outlining [1] 14/1</p> <p>over [15] 5/6 6/18 9/18 11/17 13/7 16/8 16/11 20/4 21/12 34/16 37/1 52/7 59/22 60/11 64/18</p> <p>overall [1] 60/21</p> <p>overreached [1] 47/6</p> <p>oversaw [2] 5/25 13/2</p> <p>overseeing [1] 60/15</p> <p>overseen [2] 13/8 13/22</p> <p>overstretched [1] 47/7</p> <p>overview [3] 5/18 8/15 13/1</p> <p>overwhelmed [1] 42/21</p> <p>owed [1] 12/2</p> <p>own [2] 51/18 64/23</p> <p>P</p> <p>p.m [4] 2/2 57/19 57/21 67/9</p> <p>page [4] 11/8 14/6 14/18 14/24</p> <p>paperwork [6] 13/23 13/24 14/1 14/6 14/14 63/5</p> <p>paraphernalia [1] 7/25</p> <p>parents [1] 54/2</p> <p>part [8] 5/13 16/20 19/19 31/7 32/3 43/23 44/4 62/21</p> <p>participant [1] 41/6</p>
--	--	--

<p>P</p> <p>participants [4] 3/15 13/5 61/6 61/9</p> <p>particular [2] 14/20 64/2</p> <p>particularly [3] 58/11 62/17 65/9</p> <p>partner [1] 51/20</p> <p>past [2] 54/2 64/4</p> <p>pattern [3] 42/13 48/23 60/19</p> <p>Paul [1] 32/5</p> <p>Pause [1] 58/8</p> <p>pay [1] 44/4</p> <p>peace [1] 20/5</p> <p>people [24] 13/1 13/7 13/20 14/4 17/12 18/23 19/2 19/23 23/5 30/19 30/22 41/16 42/21 45/7 46/5 52/12 52/23 55/7 58/10 60/17 61/13 61/16 65/8 65/9</p> <p>people's [3] 64/18 64/24 64/25</p> <p>per [1] 7/6</p> <p>perceivable [1] 18/11</p> <p>percent [1] 44/4</p> <p>perhaps [2] 30/16 48/16</p> <p>period [5] 37/1 60/12 63/22 64/18 65/23</p> <p>permit [1] 66/7</p> <p>permitted [1] 59/1</p> <p>Perry [1] 2/11</p> <p>person [4] 20/16 37/13 53/2 55/3</p> <p>person's [1] 60/9</p> <p>personal [1] 65/11</p> <p>personally [4] 8/19 36/23 37/6 63/3</p> <p>persons [1] 6/24</p> <p>pertaining [1] 7/21</p> <p>Petersburg [1] 66/14</p> <p>phone [6] 10/24 11/4 22/22 40/22 41/13 60/9</p> <p>phones [2] 17/19 41/16</p> <p>photo [1] 18/5</p> <p>photograph [6] 10/8 10/18 11/6 11/6 11/9 18/24</p> <p>photographs [7] 10/4 10/23 11/5 17/18 17/22 18/14 18/19</p> <p>photos [1] 18/3</p> <p>phrase [2] 35/11 35/13</p> <p>picture [3] 11/13 18/9 60/8</p> <p>pictures [3] 7/16 39/10 62/9</p> <p>piece [1] 14/1</p> <p>pieces [2] 12/6 15/4</p> <p>Pierce [1] 20/13</p> <p>Piru [9] 5/21 9/3 10/21 11/1 12/19 20/8 36/13 38/8 41/4</p> <p>Piru's [1] 37/2</p> <p>place [2] 33/19 42/2</p> <p>plain [1] 27/10</p> <p>Plaintiff [2] 1/3 1/14</p> <p>play [4] 15/18 16/22 21/16 37/22</p> <p>playin' [1] 21/24</p> <p>playing [2] 21/2 21/3</p> <p>plea [1] 57/24</p> <p>pleaded [5] 11/2 13/10 13/11 43/5 43/14</p> <p>pleading [1] 43/15</p>	<p>please [8] 2/4 44/23 50/4 50/7 52/18 53/19 54/19 57/22</p> <p>pled [4] 16/1 34/11 45/7 46/23</p> <p>plus [6] 24/5 31/8 31/8 31/14 31/25 32/1</p> <p>pocket [1] 16/24</p> <p>point [15] 23/19 25/5 25/12 27/4 27/19 27/19 28/21 29/7 40/2 43/1 46/5 48/24 49/20 51/8 62/5</p> <p>pointed [1] 43/16</p> <p>points [3] 24/15 34/5 34/8</p> <p>poison [1] 64/24</p> <p>police [3] 6/15 6/22 7/24</p> <p>policy [1] 57/24</p> <p>porch [1] 9/7</p> <p>position [4] 23/3 24/11 30/25 31/9</p> <p>positions [2] 14/19 14/25</p> <p>possessed [1] 62/4</p> <p>possessing [1] 62/11</p> <p>possession [4] 17/2 43/18 61/24 62/22</p> <p>possible [1] 66/16</p> <p>possibly [1] 27/8</p> <p>powder [3] 9/16 11/21 60/3</p> <p>powder cocaine [2] 9/16 11/21</p> <p>powdery [1] 10/14</p> <p>power [2] 53/7 53/9</p> <p>preceded [1] 8/6</p> <p>prefer [2] 44/25 45/1</p> <p>prefers [1] 12/11</p> <p>preponderance [13] 4/16 5/11 25/16 26/18 30/10 33/7 39/24 43/12 45/24 47/12 58/25 59/11 61/3</p> <p>present [6] 1/19 30/19 47/15 47/16 58/11 62/6</p> <p>presented [4] 5/12 19/17 36/12 38/21</p> <p>presentence [8] 3/2 3/9 3/12 3/19 3/23 8/2 8/3 12/15</p> <p>presenting [1] 30/13</p> <p>pressing [1] 33/16</p> <p>pretrial [1] 42/3</p> <p>pretty [2] 27/17 27/25</p> <p>Princely [1] 14/15</p> <p>prior [14] 7/18 7/22 7/23 8/12 11/2 13/10 13/11 13/19 16/1 34/2 34/12 43/5 43/15 63/21</p> <p>prison [2] 22/4 43/8</p> <p>Prisons [1] 65/19</p> <p>probably [3] 28/21 34/10 51/10</p> <p>probation [11] 1/20 24/3 25/25 26/11 26/15 27/12 49/2 49/5 58/3 66/1 66/3</p> <p>Probation Officer [1] 1/20</p> <p>problem [1] 29/19</p> <p>proceeding [1] 57/25</p> <p>proceedings [1] 67/12</p> <p>process [1] 9/20</p> <p>produced [1] 30/20</p> <p>profit [1] 37/5</p> <p>profited [1] 36/22</p> <p>programs [1] 66/2</p> <p>prominently [1] 15/21</p>	<p>promise [2] 51/17 53/6</p> <p>proof [2] 4/14 4/15</p> <p>proposed [1] 22/17</p> <p>prosecution [1] 64/2</p> <p>protect [1] 42/25</p> <p>protected [1] 56/14</p> <p>prove [2] 8/19 31/16</p> <p>proved [1] 65/4</p> <p>provide [1] 49/19</p> <p>provided [2] 3/4 58/4</p> <p>province [1] 4/22</p> <p>proving [2] 36/12 36/13</p> <p>PSR [2] 33/22 34/15</p> <p>public [1] 42/25</p> <p>published [1] 15/22</p> <p>pull [2] 16/24 17/4</p> <p>pulling [1] 42/10</p> <p>punishable [2] 14/4 14/5</p> <p>punished [2] 49/10 49/11</p> <p>purchase [2] 9/4 59/24</p> <p>purchased [1] 9/10</p> <p>purposes [2] 8/18 36/6</p> <p>pursuant [1] 9/22</p> <p>push [1] 55/25</p> <p>put [5] 18/13 22/23 34/24 34/25 39/13</p> <p>puts [2] 31/3 54/10</p> <p>Q</p> <p>qualified [1] 34/12</p> <p>quantities [2] 12/1 12/3</p> <p>quantity [6] 3/9 5/9 8/21 12/7 12/11 60/4</p> <p>quarter [1] 9/10</p> <p>question [1] 65/4</p> <p>questions [3] 22/16 44/12 63/9</p> <p>quite [4] 18/21 41/10 58/14 63/24</p> <p>quote [1] 32/20</p> <p>quote/unquote [1] 32/20</p> <p>R</p> <p>racketeering [2] 43/23 56/7</p> <p>raise [1] 41/21</p> <p>raising [2] 41/2 41/3</p> <p>ran [1] 36/23</p> <p>RANDY [13] 1/5 2/7 2/18 5/12 5/19 11/20 15/6 32/8 41/1 49/10 51/13 51/13 60/14</p> <p>RANDY BANKS [8] 1/5 2/7 2/18 5/12 5/19 15/6 32/8 49/10</p> <p>Randy Banks' [1] 11/20</p> <p>range [5] 5/6 8/6 64/6 64/12 65/20</p> <p>rank [1] 43/18</p> <p>ranking [2] 43/17 44/1</p> <p>rap [2] 15/16 40/8</p> <p>Rashard [1] 20/13</p> <p>Rashard Pierce [1] 20/13</p> <p>rather [2] 49/16 60/13</p> <p>RDR [3] 1/23 67/10 67/15</p> <p>re [1] 56/16</p> <p>re-offending [1] 56/16</p> <p>reach [3] 41/1 53/5 53/5</p> <p>reached [1] 60/6</p> <p>reaches [1] 41/25</p> <p>read [2] 3/5 4/12</p> <p>reading [11] 14/8 20/24 21/1</p>
---	---	---

<p>R</p> <p>reading... [8] 21/6 21/19 21/20 21/22 21/24 22/1 22/5 22/8</p> <p>realistic [1] 60/10</p> <p>really [9] 14/1 27/10 43/19 47/22 52/14 52/20 55/25 56/11 56/11</p> <p>realm [2] 24/6 49/4</p> <p>Realtime [1] 67/16</p> <p>reason [11] 2/12 22/10 24/6 27/7 27/16 27/22 44/9 45/10 46/10 46/17 49/4</p> <p>reasonable [14] 4/19 25/14 29/13 35/7 35/25 43/10 45/24 47/13 47/21 49/1 49/18 58/19 59/7 66/24</p> <p>reasonably [5] 8/21 25/1 27/18 27/21 62/2</p> <p>reasons [1] 47/5</p> <p>receive [1] 55/14</p> <p>received [2] 43/7 43/14</p> <p>recent [2] 34/13 63/22</p> <p>recently [1] 3/4</p> <p>recess [2] 57/18 57/20</p> <p>recidivism [1] 64/4</p> <p>recidivist [1] 42/24</p> <p>recommend [1] 66/13</p> <p>recommendation [1] 66/17</p> <p>recommendations [1] 24/4</p> <p>recommends [2] 66/2 66/3</p> <p>record [5] 3/22 18/14 42/12 63/19 67/12</p> <p>recorded [1] 40/23</p> <p>recovered [6] 7/24 10/24 11/24 13/24 14/14 60/9</p> <p>red [2] 18/3 38/5</p> <p>reduce [1] 31/2</p> <p>refer [2] 6/5 11/25</p> <p>reference [3] 12/1 21/11 38/7</p> <p>referenced [1] 23/2</p> <p>referred [3] 6/4 23/6 61/7</p> <p>referring [1] 41/7</p> <p>reflect [1] 56/4</p> <p>reflection [1] 14/9</p> <p>regard [2] 36/2 63/12</p> <p>regarding [3] 13/1 29/24 61/22</p> <p>regardless [3] 35/24 57/12 66/24</p> <p>Registered [1] 67/16</p> <p>related [1] 11/4</p> <p>relating [1] 62/18</p> <p>relation [1] 31/17</p> <p>relative [1] 65/3</p> <p>release [3] 42/3 65/23 65/25</p> <p>released [1] 66/4</p> <p>relevant [6] 7/20 7/23 8/9 16/17 18/10 35/4</p> <p>relying [3] 8/3 47/18 59/14</p> <p>remanded [1] 4/21</p> <p>remarkably [1] 6/2</p> <p>remember [3] 51/3 53/3 53/3</p> <p>remind [2] 10/6 15/20</p> <p>report [8] 3/2 3/9 3/12 3/19 3/23 8/2 8/3 12/16</p> <p>Reported [1] 1/22</p> <p>Reporter [4] 1/24 67/16 67/16</p>	<p>67/17</p> <p>requested [2] 24/19 61/23</p> <p>requesting [1] 25/21</p> <p>required [2] 44/3 66/8</p> <p>requires [2] 13/3 62/15</p> <p>residence [1] 14/15</p> <p>residue [1] 10/14</p> <p>respect [1] 47/22</p> <p>respectfully [3] 24/3 24/5 49/3</p> <p>respond [3] 12/11 35/5 56/20</p> <p>response [1] 57/16</p> <p>responsibility [3] 44/7 54/17 65/10</p> <p>responsible [7] 5/13 36/13 46/11 59/5 59/12 60/24 63/4</p> <p>rest [1] 30/1</p> <p>restricts [1] 26/24</p> <p>result [1] 34/4</p> <p>resulted [1] 5/6</p> <p>retaliation [6] 14/3 20/19 37/8 40/3 40/15 40/21</p> <p>retelling [1] 39/16</p> <p>reversed [1] 4/21</p> <p>review [1] 3/24</p> <p>reviewed [2] 3/23 24/13</p> <p>RICO [3] 45/8 46/24 48/7</p> <p>right [30] 2/19 2/20 4/5 6/19 8/4 11/11 16/16 17/8 22/10 24/25 26/12 30/11 30/14 31/11 32/14 33/3 33/11 33/12 35/20 40/24 44/14 53/25 55/9 56/22 56/24 57/14 57/17 57/22 66/21 67/1</p> <p>ringleaders [1] 22/6</p> <p>rises [1] 61/14</p> <p>risk [1] 64/4</p> <p>rival [4] 19/13 20/13 20/14 43/25</p> <p>rivals [2] 5/24 37/4</p> <p>Ro [6] 20/11 20/11 20/16 20/16 22/11 22/11</p> <p>Ro-Ro [3] 20/11 20/16 22/11</p> <p>robberies [2] 36/16 36/16</p> <p>Rogers [3] 6/13 6/20 9/4</p> <p>Rogers Avenue [1] 6/20</p> <p>role [12] 12/15 13/3 45/11 45/14 45/20 46/9 56/6 61/2 61/11 61/15 61/18 61/20</p> <p>rough [1] 21/17</p> <p>roughly [3] 9/10 9/11 43/4</p> <p>rounds [1] 38/12</p> <p>roundtable [1] 14/24</p> <p>rules [1] 14/3</p> <p>rulings [2] 35/21 57/18</p> <p>rumor [1] 30/2</p> <p>rumored [1] 38/13</p> <p>run [3] 40/12 52/5 52/12</p> <p>runaway [1] 27/15</p> <p>S</p> <p>said [16] 4/22 4/24 6/7 6/10 7/13 8/11 9/6 9/10 19/15 21/1 24/1 25/1 26/11 27/5 30/23 32/14</p> <p>sales [1] 60/20</p> <p>Samartine [4] 37/11 38/13 39/4 62/7</p> <p>Samartine Hill [3] 37/11</p>	<p>38/13 62/7</p> <p>Samartine Hill's [1] 39/4</p> <p>same [8] 8/14 10/18 11/9 18/6 34/20 47/16 56/19 62/22</p> <p>Sand [6] 5/20 14/21 14/22 14/25 20/25 20/25</p> <p>Sardelli [10] 1/17 2/16 2/18 3/3 3/22 21/12 22/19 33/14 44/18 67/4</p> <p>sat [2] 17/21 36/11</p> <p>satisfied [1] 35/16</p> <p>savvy [1] 41/11</p> <p>saw [9] 9/6 9/9 19/1 28/7 39/9 41/14 47/3 47/12 58/6</p> <p>say [12] 24/20 39/5 47/10 50/11 52/2 52/12 54/11 56/23 57/13 57/15 59/19 65/11</p> <p>saying [4] 29/7 39/14 41/3 58/9</p> <p>says [22] 11/7 14/7 14/21 14/25 15/10 15/12 15/24 20/4 21/5 21/19 21/20 21/22 21/24 22/1 22/5 22/8 27/3 33/25 38/7 39/10 40/24 41/2</p> <p>scale [2] 10/14 10/19</p> <p>scene [2] 38/11 39/7</p> <p>school [2] 53/12 55/7</p> <p>score [3] 26/4 34/5 34/8</p> <p>scored [2] 35/9 63/21</p> <p>scoring [3] 4/4 26/3 45/13</p> <p>scourge [1] 36/22</p> <p>screenplay [3] 38/22 39/17 47/18</p> <p>screenshot [3] 16/23 17/3 17/14</p> <p>screenshots [2] 16/3 37/22</p> <p>search [1] 11/22</p> <p>search warrant [1] 11/22</p> <p>seated [2] 2/4 57/22</p> <p>second [5] 10/18 12/14 14/18 17/3 36/23</p> <p>second-busiest [1] 36/23</p> <p>Section [1] 34/2</p> <p>see [18] 10/10 10/13 10/19 11/9 11/13 11/15 15/23 19/25 25/5 31/19 39/20 40/7 47/24 53/13 53/13 53/13 55/8 58/7</p> <p>seek [2] 7/21 8/7</p> <p>seeking [6] 56/1 56/3 56/9 56/13 56/17 56/21</p> <p>seems [1] 26/16</p> <p>seized [2] 6/25 41/20</p> <p>seizure [1] 46/1</p> <p>sell [4] 6/9 6/10 6/11 7/12</p> <p>selling [1] 64/24</p> <p>semi [1] 38/22</p> <p>semi-autobiographical [1] 38/22</p> <p>sense [1] 26/16</p> <p>sent [3] 28/17 32/14 33/2</p> <p>sentence [21] 31/3 34/3 35/25 36/4 44/10 48/25 49/19 56/1 56/3 56/9 56/13 56/17 56/21 58/19 65/7 65/18 65/22 66/11 66/23 66/23 67/2</p> <p>sentenced [5] 43/20 43/21 44/5 48/20 65/17</p> <p>sentences [3] 9/23 43/8 65/16</p> <p>sentencing [29] 1/13 2/21 3/1</p>
---	--	---

S		
sentencing... [26] 3/3 4/12 4/14 5/17 6/4 8/10 9/24 21/18 22/24 23/1 24/13 25/4 25/12 28/16 35/8 36/6 40/19 42/8 43/2 43/3 45/6 45/17 46/18 49/15 56/18 57/25	sir [1] 57/14 sister [3] 44/22 49/21 49/25 sisters [2] 51/7 54/24 six [4] 17/21 36/11 36/14 36/16 slideshows [1] 15/5 slightly [3] 29/6 30/2 39/5 small [5] 6/24 7/1 7/5 10/14 59/21 smart [2] 52/2 52/4 snitch [1] 38/14 Snook [1] 39/4 so [65] 3/6 4/3 4/17 5/8 5/19 5/24 6/20 8/15 9/1 9/17 10/15 11/18 12/6 12/14 13/20 14/11 16/8 16/17 19/4 20/15 21/8 22/12 23/8 23/14 23/18 24/1 24/23 27/22 28/25 29/1 30/2 30/25 34/11 35/3 35/17 36/4 37/21 38/9 39/17 40/16 41/14 41/18 42/15 42/24 43/16 45/5 45/13 51/14 51/19 54/19 56/20 58/9 58/24 59/7 60/11 60/19 60/23 60/25 61/18 63/11 63/13 63/23 64/3 64/12 66/3 social [1] 17/19 society [1] 53/13 soda [2] 9/20 11/16 sold [1] 13/21 sole [2] 30/13 30/17 solely [2] 31/23 33/4 solid [2] 28/21 29/2 some [18] 3/4 14/7 17/5 19/17 23/19 24/14 25/13 28/18 29/9 31/16 34/13 39/10 47/21 50/20 51/11 52/3 60/5 61/16 somebody [3] 22/1 22/2 41/8 somehow [1] 47/10 someone [5] 19/12 20/11 20/12 21/14 49/15 something [10] 9/25 19/15 27/7 41/19 46/20 48/6 53/10 53/12 62/15 62/24 Sometimes [2] 7/8 54/9 son [1] 54/7 sorry [5] 2/8 29/9 33/18 45/16 50/8 sort [1] 21/3 sought [1] 41/24 source [7] 28/10 29/5 30/13 30/17 31/1 33/8 47/20 sources [4] 17/19 28/9 28/10 29/3 speak [5] 26/15 44/22 49/22 53/17 57/4 speaking [1] 62/12 speaks [1] 55/23 special [4] 1/20 2/9 65/25 66/8 Special Agent [2] 1/20 2/9 specific [14] 3/18 8/17 8/25 9/19 19/8 28/25 29/8 29/12 33/25 39/19 59/17 60/20 61/11 62/16 specifically [17] 12/8 12/19 23/6 24/9 24/16 24/19 25/10 27/3 27/9 28/19 32/4 34/19 38/21 39/1 48/14 60/7 60/21 specificity [1] 29/20	speculative [1] 63/8 spell [3] 50/3 50/6 53/20 Spence [1] 15/8 spend [1] 46/10 Spittle [3] 15/9 39/11 39/12 split [2] 32/15 32/20 spots [1] 15/1 spring [1] 19/8 squad [1] 38/7 stage [1] 54/4 stand [2] 57/2 57/5 standard [5] 4/14 4/15 26/19 33/7 58/23 standards [2] 25/14 47/21 standing [11] 11/11 15/25 16/6 16/8 16/16 17/16 17/23 20/1 38/10 38/18 39/8 stands [3] 15/7 15/10 15/13 start [11] 4/6 4/7 4/11 5/8 5/9 12/25 22/21 49/25 58/2 58/21 60/25 started [2] 14/2 23/18 starting [2] 16/24 17/4 starts [1] 63/19 statement [1] 55/19 STATES [6] 1/1 1/3 1/15 2/6 2/8 36/7 statutory [4] 24/8 46/15 48/22 58/25 stay [1] 42/5 staying [1] 41/13 stenographic [1] 67/12 Stepney [1] 13/16 stepped [1] 51/6 still [9] 18/10 23/18 27/5 30/5 30/10 33/18 40/1 41/20 51/18 stopped [1] 6/22 stories [1] 52/24 story [1] 39/17 stove [1] 9/20 straight [1] 55/7 street [9] 1/24 20/12 21/3 23/11 23/12 27/23 27/23 36/17 39/4 street-level [1] 36/17 streets [2] 42/1 50/15 strength [1] 33/2 stretching [1] 48/23 strings [1] 42/10 strongest [2] 32/24 33/1 strongly [1] 55/25 structure [1] 24/22 stuff [1] 54/23 substance [2] 64/8 66/1 substantial [1] 37/5 substantially [1] 34/3 such [1] 53/5 sufficient [2] 36/5 63/3 summarized [1] 21/18 summer [6] 9/13 13/14 19/16 19/19 42/6 60/2 Sunday [1] 52/13 supervised [3] 36/25 65/23 65/25 supervising [1] 61/8 supervision [1] 60/18 supervisor [2] 61/6 61/15 supplied [2] 5/22 13/21

<p>S</p> <p>supplies [1] 41/8 supply [1] 40/13 supplying [1] 61/12 support [8] 33/4 37/8 46/9 48/10 57/10 58/16 64/23 66/4 supported [2] 33/8 65/7 supports [1] 61/3 supposed [4] 21/7 50/15 52/10 54/15 Supreme [3] 4/13 5/1 27/4 Supreme Court [2] 4/13 27/4 Supreme Court's [1] 5/1 sure [11] 4/10 7/14 18/13 29/11 45/3 45/18 49/23 53/9 53/13 58/14 58/16 surrounding [1] 29/24 surveillance [3] 10/4 37/16 39/20 suspect [1] 31/4 suspected [1] 20/16 suspicious [1] 31/1 swear [1] 22/4 sweeping [1] 53/10 switches [1] 41/15 Sydni [1] 16/11 Sydni Frazier [1] 16/11</p>	<p>testify [1] 6/5 testifying [1] 9/22 testimony [23] 5/17 6/14 9/12 10/2 10/15 12/7 12/23 13/1 13/23 16/18 17/5 22/12 28/7 37/12 39/12 39/21 40/11 44/2 45/22 60/13 60/22 61/12 62/9 testing [1] 66/1 than [25] 3/18 5/7 7/1 13/20 25/2 25/10 25/21 25/24 26/10 27/3 34/2 34/3 36/5 36/9 43/13 46/2 46/12 46/22 46/24 49/14 49/16 59/5 59/7 59/11 61/9 thank [24] 2/15 2/20 4/10 22/18 22/20 33/11 33/12 36/3 44/17 44/19 45/4 49/24 50/10 53/16 53/16 53/24 55/11 55/12 55/15 56/22 57/8 57/14 66/12 67/8 thanking [1] 58/2 that [379] that's [53] 2/14 4/2 4/25 5/2 5/3 6/19 8/15 8/16 9/17 9/24 11/11 14/4 16/10 16/17 17/6 20/11 23/3 23/9 23/20 24/6 26/5 26/16 27/11 28/23 31/17 33/1 34/6 35/6 39/11 40/16 40/16 44/13 45/21 45/23 46/8 49/3 49/12 49/20 49/25 53/15 53/15 53/15 54/10 54/16 54/18 54/21 54/25 57/13 58/15 59/9 60/7 66/15 66/22 their [22] 6/5 6/14 6/24 10/2 12/23 13/23 24/4 25/4 27/2 31/2 31/4 31/9 34/9 35/3 36/21 37/5 43/6 43/7 44/7 48/2 52/24 52/24 them [33] 6/4 6/5 7/16 9/22 10/13 11/5 11/15 12/13 13/6 13/8 13/9 13/21 14/19 15/6 16/16 16/17 17/20 20/25 21/25 22/6 30/16 34/21 35/4 35/22 37/8 37/9 38/1 38/2 38/5 40/10 43/7 48/2 51/7 then [28] 4/1 16/12 17/3 17/8 18/24 19/6 20/5 21/5 21/10 21/24 22/5 22/8 26/9 28/5 33/13 38/1 38/5 38/15 39/7 39/9 39/14 41/1 41/23 42/6 43/1 43/24 55/18 57/18 there [50] 2/24 3/16 3/18 5/23 14/25 15/4 16/4 16/6 16/14 16/16 17/5 18/21 19/6 20/22 25/17 27/3 27/22 29/12 29/16 30/19 30/22 30/22 30/22 31/14 34/1 34/10 38/10 38/18 40/18 40/22 41/5 43/4 44/2 44/14 46/1 48/16 48/18 54/5 55/9 57/11 58/18 59/10 60/4 60/23 61/3 61/20 61/22 62/5 64/13 66/8 there's [21] 10/13 11/22 14/18 25/13 25/14 25/15 26/2 27/16 27/22 36/1 39/7 40/5 41/10 42/19 42/24 51/9 52/11 52/12 56/23 63/3 66/6 these [15] 7/7 11/25 13/6 15/1 17/12 18/4 28/8 28/9</p>	<p>30/12 30/13 34/17 36/19 37/22 43/13 44/7 they [64] 5/25 6/5 6/10 6/10 6/11 7/5 9/7 9/22 9/23 9/23 10/1 10/2 13/21 20/3 20/20 21/14 21/19 21/21 21/22 22/5 22/7 22/10 22/10 23/1 23/23 24/13 24/23 25/1 25/10 26/3 26/4 26/11 26/14 28/18 28/23 28/25 29/20 30/16 31/5 31/8 31/16 32/6 32/14 32/19 33/1 34/12 34/18 36/20 36/21 36/22 38/9 38/9 38/15 43/22 46/15 47/6 47/10 53/4 53/13 54/11 59/6 60/13 63/9 63/9 they're [15] 10/11 22/3 23/25 26/3 28/10 33/8 35/3 35/15 38/10 41/7 41/9 47/18 47/25 48/9 54/17 they've [4] 24/14 30/15 45/7 47/6 thing [3] 26/9 55/22 64/13 things [9] 25/13 26/22 30/12 30/13 32/11 48/8 58/15 63/11 64/22 think [92] thinks [1] 3/19 third [1] 13/13 this [146] those [14] 7/22 8/1 12/6 19/5 24/15 27/14 30/17 31/2 35/2 42/9 60/6 60/10 60/12 63/11 though [3] 22/10 32/7 53/8 thought [2] 7/13 52/7 threat [7] 28/5 29/4 31/9 32/1 62/15 62/18 62/19 threatening [1] 64/25 threats [3] 29/24 47/9 62/23 three [14] 6/23 7/23 8/12 19/5 22/17 26/2 46/1 55/14 59/17 60/7 60/10 61/4 61/18 65/23 three-level [2] 61/4 61/18 threshold [1] 9/18 through [12] 17/20 17/21 24/2 27/14 36/11 36/19 39/8 50/20 54/10 55/3 58/21 65/6 tie [1] 31/23 ties [5] 16/12 19/4 27/10 27/11 31/21 tight [1] 54/18 tight-knit [1] 54/18 Tim [1] 2/10 Tim Moore [1] 2/10 time [18] 11/19 14/20 17/2 33/3 35/15 36/10 38/18 45/10 46/10 46/12 46/17 48/25 50/23 51/10 60/11 63/22 64/18 65/2 time served [4] 45/10 46/12 46/17 48/25 times [2] 50/21 51/9 Timothy [1] 1/20 Timothy Moore [1] 1/20 today [5] 2/11 31/20 47/6 51/17 54/13 together [4] 9/8 30/16 38/9 38/10 Tone [1] 13/17 too [3] 5/2 17/7 50/6</p>
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T took [1] 51/6 top [1] 10/15 total [1] 6/25 totaled [1] 46/2 touch [1] 46/6 touched [1] 43/1 trafficking [10] 5/9 6/18 31/18 34/14 34/19 36/17 43/20 46/24 56/7 61/25 transaction [1] 7/6 transactions [6] 5/4 7/5 7/7 8/17 8/25 12/2 transcript [2] 21/17 67/11 trap [10] 6/13 7/11 7/17 9/14 10/10 10/17 10/19 11/20 60/3 60/8 trap house [9] 6/13 7/11 7/17 9/14 10/17 10/19 11/20 60/3 60/8 trap houses [1] 10/10 treat [1] 48/11 treatment [1] 66/1 trend [1] 35/7 trial [53] 5/12 7/22 8/4 9/21 10/7 10/22 11/2 13/10 13/12 13/19 13/24 14/22 15/14 15/15 16/1 17/6 17/21 18/21 19/7 19/17 19/22 20/9 20/22 21/10 21/11 21/14 22/13 22/23 23/4 23/6 23/17 23/19 23/19 23/20 27/17 27/20 31/19 34/12 36/12 37/13 37/14 37/23 38/16 38/21 39/2 39/21 41/5 41/20 42/7 43/6 43/15 44/3 59/15 tried [1] 8/8 true [2] 27/19 39/18 truthfully [1] 52/21 trying [5] 35/15 39/15 50/21 51/11 51/12 Tuesday [1] 24/14 turn [1] 37/5 turned [1] 21/11 Turning [2] 42/11 42/19 tutelage [1] 14/9 two [20] 12/21 16/14 25/13 26/6 31/8 31/8 31/14 31/25 32/1 32/19 33/3 34/7 34/13 40/10 54/2 54/2 61/22 62/14 63/1 63/20 two-level [2] 62/14 63/1 type [2] 31/16 35/18 typically [1] 7/5	understanding [2] 31/9 51/13 understands [1] 30/6 unfortunately [1] 65/1 uninterrupted [1] 42/13 UNITED [6] 1/1 1/3 1/15 2/6 2/8 36/7 United States [2] 2/6 2/8 unless [4] 22/16 27/18 44/12 46/20 unlike [1] 4/14 unquote [1] 32/20 unreasonable [1] 24/8 unreliable [1] 47/20 until [1] 53/1 unwanted [1] 43/3 unwarranted [2] 44/11 56/18 up [25] 7/12 9/6 10/2 10/3 11/8 11/10 18/13 19/4 20/20 21/14 26/5 28/8 35/13 35/19 36/12 38/9 39/13 39/19 41/16 42/3 48/15 50/24 51/6 53/10 57/6 updated [1] 3/2 upon [1] 4/18 ups [1] 52/24 upward [13] 3/13 27/7 33/20 34/1 34/23 34/25 35/12 61/4 61/18 61/22 62/14 63/1 63/16 urgent [1] 42/24 us [11] 22/22 23/20 28/25 45/11 50/3 50/20 50/25 53/19 54/13 54/16 60/19 use [1] 16/20 used [3] 16/21 18/12 62/2 using [3] 37/3 40/3 62/11	W wait [1] 38/10 wake [1] 36/21 walk [1] 39/8 walked [1] 54/4 Walker [1] 13/17 walking [2] 37/24 53/11 want [25] 7/18 10/6 19/21 26/3 26/4 31/8 32/10 35/5 35/11 35/12 36/1 46/17 50/5 50/11 50/16 51/18 52/5 52/17 55/16 55/25 57/2 57/3 57/7 57/8 58/13 wanted [6] 37/10 41/21 41/23 42/2 55/13 56/20 wanting [1] 32/22 wants [6] 24/9 26/3 35/14 42/4 45/5 48/4 warrant [1] 11/22 warranted [3] 12/17 61/19 61/21 was [170] wasn't [8] 7/14 23/18 32/19 41/18 48/18 48/22 55/5 55/9 watched [1] 11/20 watching [2] 6/16 48/1 water [1] 29/10 wave [1] 35/7 way [8] 14/15 23/17 28/6 41/17 51/12 53/12 62/22 66/5 ways [2] 35/15 41/12 we [135] we'll [1] 2/24 we're [13] 22/24 26/1 26/12 29/25 30/13 34/23 41/2 41/3 45/10 54/18 56/9 56/13 56/17 we've [5] 5/16 40/18 42/8 43/16 60/6 weak [1] 54/9 weapons [1] 62/2 wearing [2] 18/3 18/6 Wedlock [4] 10/24 10/25 11/12 42/2 week [1] 2/13 weeks [2] 17/21 36/11 well [17] 3/5 3/7 4/5 4/25 9/18 16/14 21/1 25/16 26/22 35/20 37/20 48/9 55/17 58/2 58/3 65/3 65/13 went [11] 5/20 7/7 9/8 9/13 10/16 11/19 12/21 25/24 27/16 27/20 52/9 were [39] 4/1 6/23 7/5 7/6 9/22 9/23 9/24 12/4 12/21 13/7 13/22 15/4 16/21 18/21 18/21 24/17 27/17 27/17 27/20 29/16 30/19 30/19 30/22 32/14 32/19 33/15 37/7 40/3 40/20 43/4 43/21 45/7 45/7 46/23 48/16 60/12 60/20 62/23 64/16 weren't [3] 30/22 51/16 63/21 West [1] 14/8 West Baltimore [1] 14/8 Whalen [1] 32/5 what [70] what's [3] 20/25 52/6 60/2 whatever [5] 12/11 24/21 28/13 29/4 46/6
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<p>W</p> <p>when [27] 4/15 9/13 11/19 17/12 20/20 21/7 24/17 27/24 29/21 30/20 32/2 41/9 41/21 41/23 42/2 42/6 47/1 48/14 51/4 51/14 51/22 51/22 52/7 55/18 63/9 63/19 66/3</p> <p>where [18] 4/8 4/21 6/9 7/11 7/14 9/4 17/22 20/3 26/4 26/24 39/7 39/11 47/6 49/5 50/25 59/20 60/3 65/14</p> <p>whereabouts [1] 20/20</p> <p>whether [12] 18/10 18/11 23/8 26/18 45/10 45/14 45/23 46/11 47/12 47/20 53/10 58/1</p> <p>which [45] 3/5 5/3 5/9 9/11 9/17 15/7 15/10 15/13 15/21 17/8 17/24 19/18 20/5 20/23 21/2 21/17 23/23 24/4 24/13 26/9 26/12 28/23 36/12 37/11 38/7 39/2 39/4 39/9 40/9 40/24 41/6 41/12 41/14 41/19 42/8 59/12 59/18 59/22 60/24 61/5 62/12 63/19 64/6 64/16 65/23</p> <p>whichever [1] 44/24</p> <p>while [5] 24/3 24/5 38/10 40/14 52/16</p> <p>white [1] 10/14</p> <p>who [53] 2/18 5/19 5/23 6/15 6/23 8/24 9/1 9/2 9/21 12/4 12/21 13/1 13/7 13/9 13/11 13/14 13/19 13/21 14/4 14/9 14/19 16/1 16/15 17/5 19/7 19/9 19/13 19/14 19/23 19/23 20/7 20/12 20/16 21/14 26/6 27/20 28/5 29/14 30/19 34/11 37/13 39/13 41/1 41/8 43/5 43/14 43/16 44/1 45/7 51/16 54/7 56/14 65/17</p> <p>who's [3] 11/11 20/13 21/13</p> <p>whoever [1] 23/9</p> <p>whole [6] 8/23 17/18 18/23 51/18 51/19 53/1</p> <p>why [15] 12/12 23/18 24/12 27/11 27/16 28/24 30/22 32/10 33/1 44/9 45/10 46/10 46/17 47/5 56/20</p> <p>wide [1] 26/21</p> <p>will [12] 4/7 5/8 15/20 35/21 49/10 53/7 53/12 54/17 57/6 63/13 63/16 67/6</p> <p>William [18] 6/7 7/10 10/9 10/16 11/14 16/9 20/9 20/15 21/8 22/15 37/19 38/3 38/11 38/16 39/12 39/21 43/16 60/14</p> <p>William Banks [16] 6/7 7/10 10/9 10/16 11/14 16/9 20/9 20/15 21/8 22/15 37/19 38/3 38/11 38/16 39/21 60/14</p> <p>William Banks' [1] 39/12</p> <p>William Jones [1] 43/16</p> <p>willingness [1] 65/12</p> <p>wire [2] 20/22 41/19</p> <p>wiretaps [1] 23/12</p> <p>wish [4] 28/24 28/25 37/21 48/14</p> <p>withdraw [1] 40/5</p>	<p>within [6] 14/8 24/6 49/3 63/22 65/20 67/3</p> <p>without [3] 50/23 51/21 54/21</p> <p>witness [12] 5/16 12/7 19/7 29/12 30/21 30/23 37/8 40/3 40/11 40/15 40/15 40/21</p> <p>witnesses [27] 5/19 6/2 7/3 8/11 8/16 8/17 8/24 9/21 11/1 12/18 13/6 13/20 14/11 14/22 15/2 15/14 17/9 17/24 29/13 29/16 30/23 31/1 31/2 36/21 37/4 50/14 60/14</p> <p>Witte [1] 5/1</p> <p>won't [2] 17/20 56/25</p> <p>Woodbine [1] 53/1</p> <p>word [2] 22/2 22/3</p> <p>words [4] 21/24 21/25 22/6 22/8</p> <p>work [3] 21/17 37/9 47/23</p> <p>worked [3] 13/7 19/23 44/1</p> <p>working [3] 15/19 22/21 44/4</p> <p>worst [1] 51/10</p> <p>would [48] 2/5 5/7 6/9 6/10 6/11 7/11 8/5 8/22 16/22 18/11 21/16 23/14 23/15 23/24 25/6 25/9 25/20 25/23 27/1 28/25 30/2 31/14 31/20 31/25 32/18 35/18 37/3 44/21 44/25 45/1 45/2 46/9 46/15 48/16 49/1 49/21 49/23 53/8 53/17 55/19 58/11 59/19 61/16 61/21 62/2 62/9 63/8 66/13</p> <p>would-be [1] 37/3</p> <p>wouldn't [4] 29/1 32/1 51/16 55/5</p> <p>wounded [1] 36/21</p> <p>wrong [1] 63/14</p> <p>wrongdoing [1] 43/7</p> <p>Y</p> <p>y'all [5] 50/12 50/13 50/16 51/25 57/11</p> <p>Yates [3] 21/13 21/19 21/20</p> <p>yeah [2] 21/6 21/6</p> <p>year [7] 34/3 40/7 56/1 56/9 56/13 56/17 56/21</p> <p>years [33] 24/7 24/7 26/7 36/5 36/17 37/1 42/14 43/15 43/20 43/22 44/6 44/10 46/14 46/15 48/6 48/21 48/22 49/6 49/6 49/15 50/18 51/4 51/20 51/21 54/3 54/16 54/21 55/6 56/3 59/23 60/15 65/18 65/23</p> <p>yes [14] 2/6 25/19 25/22 30/11 33/17 33/17 44/18 50/7 53/21 55/15 57/4 64/10 64/11 67/6</p> <p>yet [2] 30/20 52/15</p> <p>Yin [2] 12/21 22/5</p> <p>you [99]</p> <p>you'd [4] 4/7 56/23 57/4 60/6</p> <p>you'll [2] 19/15 67/4</p> <p>you're [8] 8/3 24/20 25/21 29/7 29/22 32/2 44/24 47/20</p> <p>young [1] 42/16</p> <p>your [142]</p> <p>Your Honor [132]</p> <p>YouTube [1] 15/22</p>	<p>Z</p> <p>Zweizig [3] 1/23 67/10 67/15</p>
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

*

v.

* **CRIMINAL NO: 16-CR-267-5**

RANDY BANKS,

*

Defendant

*

*

NOTICE OF APPEAL

COMES NOW, Attorney Brian Sardelli, on behalf of the Defendant RANDY BANKS, and respectfully files this Notice of Appeal. Mr. Banks appeals to the United States Court of Appeals for the Fourth Circuit the entire case and judgment announced in open Court on 8-26-19. Mr. Banks has further instructed Attorney Sardelli that he wishes to file as broad of an appeal as possible and reserves the right to challenge any and all aspects of this case under the law.

As stated previously to the Court and opposing counsel, Attorney Sardelli will not be available for the appeal. Therefore, since Mr. Banks is unable to afford appellate counsel, he respectfully requests that the new appellate counsel be appointed in this case at no cost to Mr. Banks. Mr. Banks requests that newly appointed appellate counsel contact and coordinate with Mr. Banks at the earliest possible date.

DATED: August 28, 2019.

Respectfully submitted,

By: /s/ Brian Sardelli
BRIAN SARDELLI-ATTORNEY AT LAW
Website: www.sardellilaw.com
Email: brian.sardelli@outlook.com
Cell Number: 202-904-6287
Maryland Federal Bar# 19873

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August 2019, I filed this document via ECF with the Clerk of the Court and therefore caused a copy to be served on probation and all counsel of record in this case.

Respectfully submitted,

By: /s/ Brian Sardelli
BRIAN SARDELLI-ATTORNEY AT LAW
Website: www.sardellilaw.com
Email: brian.sardelli@outlook.com
Cell Number: 202-904-6287
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Bloomington, MN 55431
Tel: 952-921-5875
MN Bar# 030542X

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United States District Court

District of Maryland

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RECEIVED

AUG 28 2019

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed on or After November 1, 1987)

DEPUTY

v.

Case Number: CCB-1-16-CR-00267-005

RANDY BANKS

Defendant's Attorney: Brian George Sardelli, CJA
Assistant U.S. Attorney: Christina A Hoffman

THE DEFENDANT:

- ☐ pleaded guilty to count(s) ____
- ☐ pleaded nolo contendere to count(s) ____, which was accepted by the court.
- ☒ was found guilty on count(s) 2s of the Second Superseding Indictment after a plea of not guilty.

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21:846	Conspiracy To Distribute Controlled Substances	06/01/2017	2s

The defendant is adjudged guilty of the offenses listed above and sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 as modified by U.S. v. Booker, 543 U.S. 220 (2005).

- ☒ The defendant has been found not guilty on count(s) 1s of the Second Superseding Indictment
- ☒ The Superseding Indictment is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

August 26, 2019

Date of Imposition of Judgment

Catherine C. Blake
Catherine C. Blake
United States District Judge

8/28/19
Date

Name of Court Reporter: Douglas Zweizig

JA6459

DEFENDANT: Randy Banks

CASE NUMBER: CCB-1-16-CR-00267-005

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **216 months as to count 2s of the Second Superseding Indictment.**

☒ The court makes the following recommendations to the Bureau of Prisons:

- That the defendant participate in any substance abuse program for which he may be eligible.
- That the defendant be designated to the FCI at Petersburg, VA or another facility close to Baltimore, MD for service of his sentence.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ a.m./p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender, at his/her own expense, to the institution designated by the Bureau of Prisons at the date and time specified in a written notice to be sent to the defendant by the United States Marshal. If the defendant does not receive such a written notice, defendant shall surrender to the United States Marshal:

☐ before 2pm on _____.

A defendant who fails to report either to the designated institution or to the United States Marshal as directed shall be subject to the penalties of Title 18 U.S.C. §3146. If convicted of an offense while on release, the defendant shall be subject to the penalties set forth in 18 U.S.C. §3147. For violation of a condition of release, the defendant shall be subject to the sanctions set forth in Title 18 U.S.C. §3148. Any bond or property posted may be forfeited and judgment entered against the defendant and the surety in the full amount of the bond.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
DEPUTY U.S. MARSHAL

JA6460

DEFENDANT: Randy Banks

CASE NUMBER: CCB-I-16-CR-00267-005

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

The defendant shall comply with all of the following conditions:

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

A. MANDATORY CONDITIONS

- 1) You must not commit another federal, state or local crime.
- 2) You must not unlawfully possess a controlled substance.
- 3) You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
- 4) ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
- 5) You must cooperate in the collection of DNA as directed by the probation officer.
- 6) ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
- 7) ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page

B. STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

DEFENDANT: Randy Banks**CASE NUMBER: CCB-1-16-CR-00267-005**

- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13) You must follow the instructions of the probation officer related to the conditions of supervision.

C. SUPERVISED RELEASE ADDITIONAL CONDITIONS

- You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
- You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.
- You must participate in an educational services program and follow the rules and regulations of that program. Such programs may include high school equivalency preparation, English as a Second Language classes, and other classes designed to improve your proficiency in skills such as reading, writing, mathematics, or computer use.
- You must participate in a vocational services program and follow the rules and regulations of that program. Such a program may include job readiness training and skills development training.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: Randy Banks

CASE NUMBER: CCB-1-16-CR-00267-005

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 5B.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00	\$	\$0.00	\$0.00

☐ CVB Processing Fee \$30.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
		\$0.00	

TOTALS \$ _____ \$ 0.00

☐ Restitution amount ordered pursuant to plea agreement _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows: _____

* Justice for Victims of Trafficking Act of 2015, pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Randy Banks

CASE NUMBER: CCB-1-16-CR-00267-005

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☒ Special Assessment shall be paid in full immediately
- B ☐ \$_____ immediately, balance due (in accordance with C, D, or E); or
- C ☐ Not later than _____; or
- D ☐ Installments to commence _____ day(s) after the date of this judgment.
- E ☐ In _____ (e.g. *equal weekly, monthly, quarterly*) installments of \$_____ over a period of _____ year(s) to commence when the defendant is placed on supervised release.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Unless the court expressly orders otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program, are to be made to the Clerk of the Court.

☐ **NO RESTITUTION OR OTHER FINANCIAL PENALTY SHALL BE COLLECTED THROUGH THE INMATE FINANCIAL RESPONSIBILITY PROGRAM.**

If the entire amount of criminal monetary penalties is not paid prior to the commencement of supervision, the balance shall be paid:

- ☐ in equal monthly installments during the term of supervision; or
- ☐ on a nominal payment schedule of \$_____ per month during the term of supervision.

The U.S. probation officer may recommend a modification of the payment schedule depending on the defendant's financial circumstances.

Special instructions regarding the payment of criminal monetary penalties:

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

JA6464

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
SHAKEEN DAVIS,)
Defendant.)
_____)

Friday, October 11, 2019
Courtroom 7D
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE

SENTENCING

For the Plaintiff:

Christina Hoffman, Esquire
Lauren Perry, Esquire
Assistant United States Attorneys

For the Defendant:

Paul Hazlehurst, Esquire

Also Present:

Special Agent Christian Aanonsen, ATF
Manisha Garner, U.S. Probation Officer

Reported by:

Douglas J. Zweizig, RDR, CRR, FCRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

P R O C E E D I N G S

(2:23 p.m.)

THE COURT: Good afternoon, everyone. You can be seated, please.

Do you want to call the case.

MS. HOFFMAN: This is United States versus Shakeen Davis, Case Number CCB-16-0267.

I'm Christina Hoffman on behalf of the United States.

With me here at counsel table is AUSA Lauren Perry and Special Agent Christian Aanonsen of the ATF. And we're here for Mr. Davis's sentencing.

THE COURT: All right. Thank you.

Good afternoon.

MR. HAZLEHURST: Good afternoon, Your Honor. Paul Hazlehurst on behalf of Mr. Davis, who is standing to my right at the trial table.

THE COURT: Okay. All right. Thank you. You can be seated.

MR. HAZLEHURST: Thank you, Your Honor.

THE COURT: All right. Well, obviously we are here for sentencing for Mr. Davis, although we have a motion for new trial to deal with first.

But there was a jury verdict returned against him on a number of counts.

The consolidated motion for judgment of acquittal or

1 new trial is one I am aware of. It's Document 1202.

2 And is there anything you'd like to add to that,
3 Mr. Hazlehurst?

4 **MR. HAZLEHURST:** Your Honor, I believe, quite frankly,
5 the sentencing letter I submitted to the Court incorporates
6 many of the sufficiency-of-the-evidence arguments that I would
7 be making.

8 But otherwise, I should submit on that record.

9 And obviously it's a -- we did make a motion for
10 judgment of acquittal at the close of the Government's evidence
11 and at the end of the trial. And, again, I think I can submit
12 on the record at this point.

13 **THE COURT:** All right. Thank you.

14 Is there anything the Government wants to say?

15 **MS. HOFFMAN:** No. I think we'll rest on our papers.
16 I think there's obviously been a general argument about
17 sufficiency of the evidence, but no specific bases put forward
18 for overturning the jury's verdict.

19 And, of course, Your Honor sat through six weeks of
20 trial. We believe that the verdict should stand.

21 **THE COURT:** Okay. All right. Well, yes, I'm aware
22 there are various issues, and that may relate to some of the
23 guidelines issues in terms of what the evidence actually
24 showed.

25 But I have no doubt that there was more than

1 sufficient evidence to support the jury's verdict beyond a
2 reasonable doubt, based on my observation of the evidence and
3 all the witnesses.

4 So I would deny the motion for new trial, motion for
5 judgment of acquittal.

6 As I say, on sentencing, let me tell you, I have, of
7 course, the presentence report. I have the Government's
8 sentencing memorandum. I have the defense sentencing
9 memorandum and a number of letters, including some received
10 today. So I have reviewed all of those.

11 I thought we might sort of start with these -- well,
12 I'll start by saying, aside from the guidelines issues, are
13 there any issues/concerns/objections to the presentence report
14 from the Government?

15 **MS. HOFFMAN:** No, I don't think so.

16 **THE COURT:** Okay. And, Mr. Hazlehurst, obviously, for
17 the record, you've read it.

18 Has your client had the chance to review the
19 presentence report with you?

20 **MR. HAZLEHURST:** Yes, Your Honor.

21 **THE COURT:** Okay. And other than the guidelines
22 issues and the fact that you naturally do not agree with the
23 statement of facts, are there any specific issues?

24 **MR. HAZLEHURST:** No, Your Honor. I believe they are
25 set forth in the letter that was submitted to the probation

1 officer, but also obviously in the sentencing letter that was
2 submitted to the Court.

3 **THE COURT:** Okay.

4 **MR. HAZLEHURST:** Thank you.

5 **THE COURT:** All right. Well, let's see. Again, the
6 convictions that we are discussing, for the record, we have
7 Count 1, being a RICO conspiracy; Count 2, narcotics
8 conspiracy; Count 16, which is unlawful possession of a
9 firearm; and Count 30, also unlawful possession of a firearm;
10 Count 31, possession with intent to distribute crack cocaine;
11 and Count 32, which is a 924(c) possession of a gun in
12 furtherance of a drug-trafficking crime. That was Count 32.

13 So in calculating the guidelines, I think everyone
14 agreed, essentially, that Counts 1 -- the first five counts of
15 conviction do group.

16 The first dispute is the assignment of an
17 Offense Level 43. And I'm looking at Paragraph 42 of the
18 presentence report. That's assigning Level 43 by a
19 cross-reference, essentially, holding Mr. Davis responsible for
20 the murder of Ricardo Johnson.

21 And I think that I'll just say preliminarily -- and
22 counsel can argue further, if you like -- but I certainly
23 believe that that murder was foreseeable to Mr. Davis.

24 I'm not clear that there is sufficient evidence for me
25 to assign that Level 43 for a first-degree murder on

1 Mr. Davis's part.

2 But if the Government wants to persuade me I'm wrong.

3 **MS. HOFFMAN:** Well, Your Honor, we do believe that,
4 based on the way the RICO conspiracy statute is set up and the
5 case law interpreting it, that we do apply a Guideline 43
6 because the jury found that murder was reasonably foreseeable.
7 And I believe they found that that Ricardo Johnson murder was
8 reasonably foreseeable.

9 I did try doing some research on this point. I did
10 not find any Fourth Circuit cases that directly address this
11 issue of whether a murder guideline of 43 applies if the jury
12 found that murder was reasonably foreseeable but the Government
13 did not prove beyond a reasonable doubt that the defendant was
14 guilty as a principal for a specific murder.

15 There are two recent RICO conspiracy cases in this
16 district that may serve as useful comparison points.

17 The first one is United States versus Timothy Hurtt,
18 and this was in front of Judge Bedar. It was JKB-14-0479.

19 And in that case, the jury found that murder was
20 reasonably foreseeable to the defendant in furtherance of the
21 charged racketeering conspiracy, even though, like here, the
22 Government did not present evidence that Timothy Hurtt
23 participated in any actual completed murder.

24 In fact, in that case, there was no evidence that
25 Timothy Hurtt participated in any attempted murder or

1 successful murder plot.

2 And at sentencing, in response to defense counsel's
3 argument that, quote, "There was no evidence that Hurtt was
4 connected with any of the other murders that happened,"
5 Judge Bedard ruled, quote, "No such finding is a necessary
6 predicate to sentencing your client. He faces the range that
7 he faces; i.e., life, under the statute by virtue of the
8 conduct on which he was clearly convicted, which may fall short
9 of concrete proof of his participation in a concrete murder
10 plot."

11 So Judge Bedard did address it in his ruling. He did
12 apply a guideline of 43 there on basically the same facts.

13 Now, I should point out that he did not sentence
14 Timothy Hurtt to life.

15 In Hurtt's case, though, there were a number of
16 mitigating circumstances that are not present here that led the
17 Government to recommend a sentence of between 25 and 30 years.
18 And in line with that recommendation, Judge Bedard sentenced
19 the defendant to 27 years.

20 As I mentioned, the defendant -- there was no proof
21 that the defendant participated in any murder, but also no
22 attempted murders, shootings, really no violence at all. He
23 was just part of this bigger BGF conspiracy that did these
24 things.

25 On the other hand -- this is not quite as on point --

1 but in another recent RICO conspiracy case in front of
2 Judge Bedar, United States versus Marquise McCants, this is
3 Case Number JKB-16-0363, the jury checked the box next to
4 "attempted murder" but did not check the box next to "murder,"
5 and Judge Bedar did sentence that defendant to life.

6 However, at sentencing, Judge Bedar found that he
7 was, by a preponderance of the evidence, guilty of an
8 additional uncharged murder.

9 So neither case is quite squarely on point.

10 But we do think that Judge Bedar's ruling in
11 United States versus Timothy Hurtt is persuasive in that the
12 guideline of 43 should apply in the situation where the jury
13 checks "murder" because it found that murder was reasonably
14 foreseeable and that that's the way that the statute is
15 basically set up.

16 **THE COURT:** Okay.

17 Mr. Hazlehurst.

18 **MR. HAZLEHURST:** Your Honor, I am not familiar with
19 either the case of Mr. Hurtt or Mr. McCants.

20 I do know that in prior RICO conspiracy cases where
21 murder has been an issue as to foreseeability, at least in
22 regard to the jury's indication as to what it found, there has
23 always been a check box, as it were, that said either
24 "premeditation" or "first-degree murder," gave the option for
25 second degree. And so there was a gradation of the potential

1 states of homicide.

2 I would cite to Your Honor, there is JKB-14-0479,
3 which is U.S. versus Mark Bazemore, B-A-Z-E-M-O-R-E. In that
4 case the jury actually did mark the box "first-degree murder"
5 in terms of "foreseeable racketeering activity." Did not mark
6 the box as to second-degree murder.

7 In United States versus Gerald Johnson, I believe
8 JKB-16 -- appears to be 01 -- 363, Your Honor, the same thing,
9 there are the potential for the jury to find the fact there was
10 first-degree murder, second-degree murder.

11 And, Your Honor, I believe in a case before this
12 court, in the Barronette trial, there was also the ability for
13 the jury to indicate that there was evidence of foreseeability
14 of first-degree murder, second-degree murder. And, again,
15 there is no such possibility in this case.

16 And it's almost -- in essence, Your Honor, I'd say
17 it's almost a Rule of Lenity argument because, essentially,
18 without that specific finding, it cannot be that it should be
19 43.

20 And, Your Honor, again, I also believe that just as a
21 general evidentiary argument that there was not evidence
22 that -- again, Mr. -- I don't believe there was evidence that
23 Mr. Davis participated.

24 And also as to the foreseeability of the homicide, the
25 only homicide I believe there was any evidence alluding to him

1 with regard to -- was the Ricardo Johnson homicide. And,
2 again, I just don't believe that standard has been carried even
3 by a preponderance.

4 **THE COURT:** Okay. All right. Well, of course, it's
5 interesting to hear what Judge Bredar has done in other cases.
6 I don't know that I can give it a great deal of weight without
7 having a chance to look into the circumstances more carefully
8 myself and see what he may have relied on. And apparently
9 there is not case law at this point that would answer the
10 question.

11 I tend to -- whether it's Rule of Lenity or just a
12 matter of proof, but I think, unless there is something that
13 clearly shows the appropriateness of assigning an
14 Offense Level 43 when the most that the jury has done is say
15 that a murder was reasonably foreseeable, and the only one that
16 I am aware of in terms of an actual murder that Mr. Davis was
17 sufficiently connected to or was connected to by the evidence,
18 it is the Ricardo Johnson one.

19 And I can't find, based on the evidence -- and I don't
20 think I can interpret the jury's verdict as finding -- that he
21 participated in a first-degree murder as to Mr. Johnson such as
22 to make that Offense Level 43 appropriate.

23 So I think -- on the other hand, there are two groups,
24 Groups 2 and 3, that relate to the attempted murder of D.J. and
25 D.G.

1 It would appear to me on those groups that there --
2 again, I'll listen to what you say, but tentatively, that is --
3 this relates to the incident on May 30th of 2015 when,
4 according to certain testimony, Mr. Davis shot out of the car
5 at these individuals.

6 They were, in fact, severely -- seriously, at least,
7 injured, although fortunately not killed.

8 It would seem to me that the offense level of 33, as
9 noted in Paragraph 48 of the presentence report, would apply.

10 If I am interpreting this correctly, the Government is
11 not asking for an obstruction of justice enhancement but is
12 asking for an additional two levels for serious bodily injury;
13 is that right?

14 **MS. HOFFMAN:** That is right, Your Honor.

15 And that is a little different from what we had put in
16 our initial memo to Probation, so I apologize for the change.

17 But, yes, we are not asking for an obstruction
18 enhancement based on the razor blade incident.

19 I will want to touch upon that later, but we are
20 asking for an additional two levels. I think just under the
21 plain language of the guideline, there's a two-level upward
22 adjustment because the victim sustained serious bodily injury,
23 which the application note says "includes injury requiring
24 medical intervention, such as hospitalization."

25 And here the victims, although luckily they suffered

1 graze wounds and cuts to their hands and arms, they did require
2 medical intervention at the hospital. And we, in fact, put in
3 photos of their injuries during the trial.

4 **THE COURT:** Okay. Mr. Hazlehurst.

5 **MR. HAZLEHURST:** Your Honor, I'm not going to offer
6 any argument in that regard. Again, obviously, I think that
7 Mr. Davis does submit that there was insufficient evidence to
8 show that he was responsible for that shooting. Obviously,
9 it's an argument we've made before and we made in our papers
10 today, Your Honor.

11 As to bodily injury, I don't think there's any
12 reasonable argument to make that the two people who were in the
13 car suffered bodily injury. So we'll submit on that.

14 **THE COURT:** Okay. Recognizing that you disagree, your
15 client does, as a matter of the evidence, I think on this
16 instance, there was sufficient evidence, as I've said, to
17 support finding that Mr. Davis did attempt to kill these two
18 individuals, which would be the Offense Level 33. And then, in
19 fact, serious bodily injury requiring medical intervention,
20 hospitalization did result.

21 So Groups 2 and 3, it seems to me, would remain in
22 place as Offense Level 35 in total, but not for obstruction.
23 That will be taken out.

24 On Group 4, relating to the drug conspiracy, again, I
25 think counsel are in agreement, based on the jury's verdict,

1 that the offense level would start at a 30 for the quantity of
2 drugs.

3 It seems to me that there would likely be an increase
4 of two because of the conspiracy involving firearms and another
5 increase of two because Mr. Davis individually either used
6 violence or directed the use of violence, but that would be a
7 total of 34.

8 In that regard, again, we are not putting in
9 obstruction of justice.

10 I understand the Government wants to make an argument
11 about injury resulting from the drugs.

12 But let me just start with where we are, from the
13 Government's point of view, with the offense level of 30 and
14 then the two increases related to gun and violence.

15 **MS. HOFFMAN:** We agree that that is correctly
16 calculated and the base offense level should be 30. I think
17 the converted drug weight was incorrectly calculated in the
18 PSR.

19 **THE COURT:** Okay. Do you want to comment on that
20 aspect of the guidelines, Mr. Hazlehurst?

21 **MR. HAZLEHURST:** Your Honor, as to the -- certainly we
22 agree that -- as to the 30.

23 I will submit as to the additional -- the firearms and
24 the use of violence -- and, obviously, if it comes up again, we
25 do object to the obstruction of justice enhancement. We are

1 not there now.

2 **THE COURT:** Sure. Sure. Okay.

3 All right. Do you want to be heard on this 5K2.2,
4 Ms. Hoffman?

5 **MS. HOFFMAN:** Yes. We are requesting an additional
6 two-level upward adjustment under 5K2.2, and that's based on
7 the evidence of an overdose.

8 Guideline 5K2.2 is applied if significant physical
9 injury resulted from the offense.

10 And as discussed in our sentencing memo, there was a
11 cell phone that was seized from Mr. Davis on April 26th of
12 2016, and it contained pages and pages of text messages with
13 drug customers over a long period of time.

14 But there was one particular drug customer who they
15 had repeated -- he had repeated transactions with.

16 And on a particular day -- and I have just lost my
17 place -- but this particular drug customer texted Mr. Davis to
18 say that he had wound up in the hospital. And I just found it.
19 On April --

20 **THE COURT:** Where is it? Okay. I'm looking -- I'm at
21 Page 19 of your memo.

22 **MS. HOFFMAN:** So Page 19 deals with the guideline and
23 then Page 10 has the relevant facts.

24 **THE COURT:** Okay.

25 **MS. HOFFMAN:** So on Page 10, Mr. Davis had texted the

1 customer on April 4th of 2016 that he had "fire," which is a
2 commonly used term for "very potent drugs."

3 And the customer had replied "okay," and then they had
4 made plans to meet for this customer to purchase drugs on
5 April 6th of 2016.

6 Then three days later, Mr. Davis gets a text message
7 from this drug customer, who's clearly just purchased drugs,
8 recently purchased drugs from Davis, and the customer says,
9 "Made it through detox. Ended up in the hospital, but I'm
10 better now. I'll send people your way if they are looking."

11 And this was in Government's Exhibit CELL-2A, which
12 was introduced at trial.

13 And I do have it here, although I was informed that
14 the document camera is not working.

15 But if Your Honor would like to see the actual
16 text messages, I can pass those up.

17 **THE COURT:** Sure. I assume they're accurately quoted
18 in your memo, but I'm happy to look at them.

19 (Counsel conferred.)

20 **MS. HOFFMAN:** (Hanging.)

21 **THE COURT:** Okay.

22 **MS. HOFFMAN:** The text messages leading up to the
23 transaction are on Page 9.

24 And then Page 11 is the text message that says, "Made
25 it through detox. Ended up in the hospital, but I'm better

1 now," and they're with the same phone number, which is how we
2 know that it's the same drug customer.

3 **THE COURT:** Okay. Thank you.

4 So you've got sender phone number ending in 6230 and
5 then -- all right.

6 So the messages on Page 9 -- correct me if I'm
7 wrong -- from that phone number back and forth, "We've got you
8 around."

9 Answer, "Yeah."

10 "20 minutes out."

11 Answer, "Okay."

12 Phone number, "I'm here."

13 Phone number, "I'll take a dub of green, if you have
14 it."

15 And those are on April 6th? Is that what you're
16 talking about?

17 **MS. HOFFMAN:** That exchange is on April 6th.

18 Two days before that, on April 4th, with that same
19 phone number, Davis texts that customer and says that he has
20 fire, and the customer replies, "Okay."

21 "Fire" is usually a term used for very potent heroin.

22 And I apologize that this is more complicated than it
23 would be with the document camera, but there are earlier text
24 exchanges with this customer in which they talk about "boy," so
25 this is a customer who, based on the text messages, routinely

1 purchased both heroin and marijuana from Mr. Davis.

2 I believe "green" is a reference to marijuana and
3 "boy" is a reference to heroin. And "fire" I believe is a
4 reference to heroin.

5 **THE COURT:** Okay. Mr. Hazlehurst.

6 **MR. HAZLEHURST:** Thank you, Your Honor.

7 Your Honor, understanding two things: One, we are in
8 a sentencing hearing where hearsay is admissible.

9 Two, that we are operating under a
10 preponderance-of-the-evidence standard, I still believe that
11 the evidence that has been put forth by the Government is
12 insufficient to warrant a departure in this case for serious
13 bodily injury, and I do that on two grounds, Your Honor.

14 One, there is ultimately no indicia of reliability
15 that comes with a blank statement contained in the text message
16 when we don't have the ability to see or hear from this
17 particular person.

18 I would venture that the Government has the
19 opportunity -- it's had the opportunity to subpoena this person
20 into court to make them subject to examination and also
21 cross-examination.

22 So, one, I think we lack a proper and solid foundation
23 for the Court to make the finding the Government's asking for.

24 But the second thing, Your Honor, is causation,
25 because, quite frankly, Your Honor, I would say -- I was going

1 to say that drug users, at least in my experience, having
2 represented people who use drugs in my life, in my career, are
3 not monogamous. In fact, they are at the other end of the
4 spectrum. They are often promiscuous in terms of buying drugs
5 from different sources.

6 And the text message does not attribute -- if we even
7 believe that this person ended up in rehab or ended up
8 basically having to go through detox and overdosed -- that the
9 drugs they're talking about are attributable to Mr. Davis.

10 And the only way we can ultimately find out would be
11 if they were in court and testified to that, but we don't have
12 that.

13 So, again, on those two grounds, Your Honor, I would
14 suggest to the Court there is insufficient evidence to make
15 that finding.

16 **THE COURT:** Well, I agree with Mr. Hazlehurst. I
17 don't think I can make that departure finding based on these
18 text messages.

19 I haven't obviously seen the person, and that's not
20 always necessary. But we don't have that here.

21 I don't have anything to evaluate, as he said,
22 causation in the sense of being sufficiently sure that whatever
23 put this individual into detox, somewhere between possibly
24 between the 6th and 9th, is Mr. Davis's drugs.

25 And, frankly, I can't really tell from this, unless

1 one assumes that any hospitalization is the equivalent of
2 significant physical injury. And the guideline tells me to
3 evaluate the extent of the injury, whether it's permanent --
4 whether it was intended or knowingly risked we might have some
5 evidence about. But the extent of the injury and the
6 permanence I certainly have no information about.

7 So I would not think it is appropriate to depart
8 upward based on 5K2.2, physical injury.

9 Thank you.

10 Okay. Let's see. Do we have other -- before we get
11 to criminal history, do we have other guideline issues?

12 I think what I am finding so far is on RICO, what's
13 now identified as Group 2 and Group 3 would both be a total
14 offense level of 35 based, as I said, on the attempted murder
15 and on the serious or significant bodily injury.

16 And then in Group 4, I believe I'm at a 34 with the 30
17 plus two, plus two.

18 Are there any other guideline offense-level related
19 disputes?

20 **MS. HOFFMAN:** No, I don't think so.

21 **MR. HAZLEHURST:** None on behalf of Mr. Davis,
22 Your Honor. Thank you.

23 **THE COURT:** Okay. All right. In terms of the
24 criminal history, so a little bit of back-and-forth here.

25 I think there is -- well, there's a point that is

1 assessed for the juvenile finding in Paragraph 74, appears to
2 have involved robbery, assault, and a handgun.

3 And there is a point assessed -- this is in the
4 current PSR -- Paragraph 78, the possession of paraphernalia,
5 marijuana.

6 There has been some disagreement about what's in
7 Paragraph 76, which is the gun, gun-related conviction. I'm
8 sorry, 77. Handgun on person from September of 2012.

9 The Government has indicated -- and it seems to me
10 correctly -- that the way these RICO guidelines work -- and I
11 think you were relying on 2E1.1, Application Note 4 -- that in
12 the RICO context, certain previous conduct, even if it might,
13 on its face, seem related, is still counted under certain
14 circumstances, which would apply here, conviction prior to the
15 last overt act and of the instant offense.

16 And if the Government is correct about that, I guess I
17 would sort -- I can check in with the probation officer, but I
18 think there would at least be a point for the handgun
19 conviction and an additional two for his being on probation,
20 which would mean that he would have a total of five points and
21 be a Criminal History Category III rather than a II.

22 So, Mr. Hazlehurst, do you want to be heard on that?

23 **MR. HAZLEHURST:** Your Honor, I hate to give up a
24 victory, at least a temporary victory with Ms. Garner. I
25 credit her for her hard work on that. And taking into account

1 my argument, I do think the Court may be correct.

2 I would note, Your Honor, that Mr. Davis, again, does
3 not acknowledge that conviction, does not believe he had that
4 conviction. Obviously, he didn't stipulate to that conviction.

5 So in making this argument, I make this, I guess, in a
6 legal hypothetical way, but, again, I understand the
7 Government's argument.

8 I don't believe that further argument from me is
9 necessary. I think I stated our position in regard to the
10 letter and also the letter to the Court and the letter to
11 Ms. Garner.

12 **THE COURT:** Okay. On that point, perhaps, then, we
13 should supplement the record. I'm assuming that the
14 Probation Office and/or the Government has some record of this
15 conviction in Paragraph 77. And we could supplement the record
16 with that.

17 **MS. HOFFMAN:** I do have the actual true test for that
18 conviction, and it was actually entered as Exhibit CR-2 at
19 trial.

20 **THE COURT:** Oh, okay.

21 (Counsel conferred.)

22 **THE COURT:** All right. If it's already in the record
23 as an exhibit, then I assume that's fine.

24 All right. If everyone can, again, help me out
25 here -- and correct me if I'm wrong -- but the way the grouping

1 then works on the offense level, I think with the 35 and the 35
2 and the 34 being the relevant offense levels, it may be that we
3 take the 35 and add three points and come up with a 38 under
4 the grouping rules.

5 I see the probation officer is nodding.

6 **THE PROBATION OFFICER:** Correct, Your Honor.

7 **MS. HOFFMAN:** And we believe that's correct as well.

8 **THE COURT:** All right. Then we have an offense level,
9 finally, after all of this, we have an offense level of 38 and
10 a criminal history category of III, which would give us a range
11 of 292 to 365 months.

12 Okay. And I'll ask the probation officer to revise
13 the presentence report later, in accordance with these
14 findings.

15 **THE PROBATION OFFICER:** Yes, Your Honor.

16 **THE COURT:** Okay. All right. Obviously, the advisory
17 guideline range is just one factor that I have to consider.

18 And I'm happy to hear whatever both sides would like
19 to say under 3553(a). Obviously, I'm aware of the positions
20 you've taken in your memos.

21 **MS. HOFFMAN:** And, Your Honor, before we get to that,
22 just one more point on the guidelines.

23 **THE COURT:** Oh, okay.

24 **MS. HOFFMAN:** Count-- we agree with that guidelines
25 calculation as to Count 1, which groups with Count 2.

1 Count 32, though, is a 924(c), as Your Honor
2 mentioned, and so the guidelines provide that there is a
3 consecutive five years. So you actually end up adding 60
4 months on both -- to the low end and the high end of that
5 range.

6 **THE COURT:** Okay. Yes, I apologize for not mentioning
7 that.

8 There is, obviously, as you've indicated, a required
9 60 months consecutive on Count 32.

10 And you are saying, Ms. Hoffman, that the guideline
11 adds 60 months on both?

12 **MS. HOFFMAN:** Well, maybe that's not quite right,
13 actually. It's just a mandatory consecutive 60 months on
14 Count 32 that will run --

15 **THE COURT:** Yes. Okay. Absolutely.

16 All right. And if you would like to proceed with your
17 argument.

18 **MS. HOFFMAN:** Thank you, Your Honor.

19 I'm not going to spend much time going over the facts
20 of the case. Your Honor did sit through six weeks of trial.
21 And, as you mentioned, you've read the sentencing memos.

22 I'd like to focus on the 3553(a) factors and also
23 address some of the arguments in Mr. Hazlehurst's memo.

24 Your Honor, we do believe that the just sentence in
25 this case is a sentence of life imprisonment. We believe it's

1 what the guidelines call for.

2 Obviously, Your Honor has calculated them differently.
3 We do believe it's what the guidelines call for. We believe
4 it's what the jury's verdict called for.

5 But, more importantly, we believe it's what 3553(a)
6 calls for.

7 The defendant's offense conduct is about as serious as
8 it gets.

9 I want to talk first about the attempted murder of
10 D.J. and D.G.

11 Putting the guidelines aside, for purposes of 3553,
12 there really isn't any difference between the defendant's
13 conduct and murder.

14 In terms of the defendant's mental state, his intent,
15 and his conduct, the defendant is every bit as culpable as
16 someone who commits murder.

17 We know that he formed the intent to kill the victims
18 because they had allegedly pulled a gun on or tried to rob his
19 fellow gang member, Nutty B.

20 We know that he went to his car and got an assault
21 rifle.

22 We know that he fired at least nine rounds at the
23 victims as they sat in their car at a busy intersection in
24 broad daylight.

25 And we know that two of his bullets grazed D.J. in the

1 back.

2 So we think it was complete dumb luck that he did not
3 kill those two individuals. It was literally a matter of
4 inches.

5 I don't think there can be any doubt that he intended
6 to kill his victims. And his conduct was the type that can
7 ordinarily be expected to result in death.

8 And he also recklessly endangered the lives of the
9 other people sitting in their cars at that intersection. It
10 was a busy intersection.

11 And I think it must have been a very traumatic
12 experience for the people sitting in their cars to watch the
13 defendant hanging out the passenger side window of a car
14 unloading an assault rifle at the car ahead of them.

15 I also want to address some of the arguments made in
16 Mr. Hazlehurst's memo, that the defendant didn't really commit
17 the attempted murder. And I know Your Honor has already found
18 that he did commit these attempted murders.

19 But, nonetheless, to the extent it bears on 3553, I
20 wanted to address some of those arguments.

21 Mr. Hazlehurst says that Mr. Lashley couldn't --
22 Mr. Hazlehurst essentially argues that the witnesses can't be
23 believed. He says that Mr. Lashley couldn't possibly have seen
24 the shooting from his vantage point at the baseball field.

25 First of all, my recollection is that Mr. Lashley did

1 not say with any specificity where exactly he was standing.

2 When he was asked on direct, he said he was sitting across the
3 street from the BP and he said he was near the ball fields.

4 But he never said he was on the baseball field, he was
5 on first base, he was on second base. He didn't say that.

6 Furthermore, I think Mr. Hazlehurst is just wrong, as
7 a factual matter, about what you can see from that area. And
8 we played video of the Antoine Ellis murder from the gas
9 station showing that you could, in fact, see very clearly from
10 the gas station across the street to that field as the subjects
11 on that video were walking to the baseball fields.

12 So there's not heavy vegetation obstructing the view,
13 as Mr. Hazlehurst alleges.

14 And I think that's probably why Mr. Hazlehurst didn't
15 actually cross-examine Mr. Lashley on that point at trial. He
16 never asked him about his vantage point. He never said, "Isn't
17 it true that you can't see the intersection from where you were
18 standing?"

19 I think if he had asked him that, Mr. Lashley would
20 have said, "No, you very clearly can see from where I was
21 standing."

22 He also generally tries to poke holes in the witness's
23 credibility.

24 But I think it's very clear there are two different
25 witnesses who corroborate each other in very important ways.

1 They both tell the same story.

2 Mr. Lashley didn't know what Mr. Banks is going to
3 testify to. Mr. Banks didn't know what Mr. Lashley was going
4 to testify to. They corroborate one another.

5 But they're also corroborated by this jail call, which
6 is very important.

7 Mr. Banks says that he recalled the defendant changing
8 the color of his car, an Infiniti, shortly after the shooting.
9 And then, lo and behold, we have this jail call in which the
10 defendant tells Sydni Frazier that he had to repaint his car, a
11 G35 coupe, which is an Infiniti, because he, quote, "Did some
12 dumb shit out of there."

13 So that's highly corroborative. Obviously, Mr. Banks
14 couldn't have known that that jail call existed and couldn't
15 have made that up.

16 And then, finally, I think that Mr. Hazlehurst also
17 ignores or gives short shrift to the abundant evidence tying
18 this defendant to AR-15s, to assault rifles, around the time of
19 the shooting. He's caught riding around with one in his trunk.
20 His friends are on jail calls talking about how he's riding
21 around with a shoulder strap.

22 He's posting on social media about having a chopper.
23 He's texting a friend that he wants to get a logo of an AR-15
24 on his bag.

25 That's obviously not a coincidence. It corroborates

1 the witness's testimony and it also independently is evidence
2 of this defendant's proclivity or affinity for firearms and the
3 proclivity to use them.

4 I also want to talk about the Ricardo Johnson murder.
5 And I understand the Court's reluctance to find by a
6 preponderance of the evidence that the defendant was involved
7 in this murder as a principal.

8 But I think it is beyond a reasonable doubt that the
9 murder was reasonably foreseeable to him in furtherance of the
10 RICO conspiracy, and I think that that is very important for
11 3553(a) purposes. And I wanted to recap some of that evidence.

12 First, we have Mr. Lashley's testimony at trial. He
13 testified that a few days before the murder, he overheard a
14 conversation between the defendant, Mr. Davis, Melvin Lashley,
15 and Sydni Frazier.

16 And Sydni Frazier was talking about how he was
17 planning to kidnap and rob Ricardo Johnson, Uncle Rick, because
18 he believed Ricardo Johnson had a lot of drugs. He had a big
19 stash of drugs somewhere.

20 So Mr. Davis is there for that conversation. We think
21 that's reasonable foreseeability right there.

22 But then we have the text messages and calls between
23 Sydni Frazier and Shakeen Davis's 4194 phone number. There are
24 texts and calls in both of Frazier's cell phones that were
25 recovered on August 10th of 2016. So there are two different

1 cell phones, if Your Honor recalls, that were recovered from
2 the bag with the murder weapons in it.

3 And first we have on August 5th, Shakeen Davis texts
4 Frazier and he asked, "What happened?"

5 And Frazier responds, he says, "I'm on my way. Had to
6 take care of my family. Grab three black Jimmy Macks."

7 And we know that Jimmy Macks are guns. They're
8 talking about guns.

9 And Mr. Hazlehurst argued in his memo that, well,
10 Shakeen Davis doesn't directly respond to that message. And
11 that's true, he doesn't directly respond to that message, but
12 it ignores the fact that there are text messages going back and
13 forth between them over the course of many days.

14 So it's not as though Mr. Frazier is simply texting
15 Mr. Davis and it's falling on deaf ears. They are texting back
16 and forth over the course of many days. They have a pattern of
17 communicating. He's clearly getting these messages. He
18 doesn't say, "No, I'm not going to grab the guns."

19 And then on August 9th, Mr. Frazier and Mr. Davis
20 exchanged 12 phone calls throughout the course of that day.

21 And taking a step back, this is a murder that
22 obviously involved quite a bit of planning and quite a bit of
23 help. It wasn't Frazier acting alone.

24 They steal a car. The victim's found in a stolen car.

25 They abduct Ricardo Johnson outside his home at 2:30

1 in the morning. They tie him up. They blindfold him. And
2 he's a pretty big man, so that's takes multiple people.

3 Based on the cell site information for Sydni Frazier's
4 phone, they drive around with the victim for some period of
5 time, presumably trying to get him to tell them where his drug
6 stash is.

7 Then ultimately he's shot over 20 times, he's left in
8 that stolen van by the Light Rail, and they try to set the car
9 on fire.

10 So given what an elaborate plot this is and the fact
11 that we think Frazier was planning this out for some time and
12 clearly other people are involved, the fact that they're
13 exchanging 12 phone calls the day leading up to this murder we
14 think is significant.

15 There are also texts between Sydni Frazier and
16 Shakeen Davis the day before the murder too. And this was all
17 part of Government's Exhibit CELL-5A, which came in at trial.
18 It wasn't in the sentencing memo.

19 But on August 9th of 2016, the day before the murder,
20 Davis texts Frazier and he says, "You good?" Question mark.

21 And Frazier responds, "Hell, yeah, bro. I gotta holla
22 at you. O just left GGs and Q. What you doing, though?"

23 And a couple text messages down, Mr. Frazier texts
24 Mr. Davis and says, "All ready. We got to get the papers,
25 bro."

1 Now, I'll hand this up to Your Honor in a second.

2 But "papers" is usually a reference to money. So
3 Frazier is telling Mr. Davis, "We got to get the papers, bro,"
4 which we think is a reference to money.

5 And Davis replies with "FR," which is short for
6 "for real."

7 Frazier then texts -- or, I'm sorry, Davis then texts,
8 "Shit ain't lookin' too good."

9 And Frazier replies, "I know, bro. FRL" -- for
10 real -- "so wrong. Got to give like yesterday."

11 So it's vague. It's unclear exactly what they're
12 talking about.

13 But there is a reference to getting the papers, which
14 we think is getting the money, and this is also the day before
15 the murder.

16 Then, significantly, Mr. Frazier places a call to
17 Mr. Davis's 4194 number at 3:07 in the morning, which is
18 roughly half an hour after Ricardo Johnson was abducted.

19 And we do think that the timing of that call is
20 significant. And it's an outgoing call. It's Frazier calling
21 Davis. So this is the crucial period when Frazier has
22 Ricardo Johnson tied up in a van and he's calling Mr. Davis.

23 You know, I don't think he's casually calling
24 acquaintances at 3:07 in the morning to talk about something
25 else.

1 If he's calling Mr. Davis, I think presumably he's
2 calling Mr. Davis to talk about what's going on at that moment,
3 which is that he's just abducted a drug dealer, they're trying
4 to rob his stash, and ultimately they kill him.

5 After -- well, we also know, based on other evidence,
6 that this is the type of relationship that Mr. Frazier and
7 Mr. Davis have.

8 When Frazier once helped robbing a drug dealer, he
9 talks to Davis.

10 We know that because we played a jail call at trial --
11 this was Call J5 -- in which Mr. Frazier called Davis from
12 jail. This was in August of 2014, he calls Davis from jail and
13 he uses coded language to tell Davis about a drug stash spot
14 that he wants to rob when he gets out.

15 Then after the murder, in a cell phone that's seized
16 from Mr. Davis, there are rap lyrics in his phone in which he
17 brags about robbing drug dealers with Syd.

18 So he says, "Me and Syd kickin' doors. Trying to make
19 some shake. Laying N words on the floor. What's the code to
20 the safe?"

21 So we think all this adds up to clear evidence that
22 the Ricardo Johnson murder was reasonably foreseeable to Davis.

23 We think it adds up to more than that. We think it
24 points to his actual involvement. But it's clearly reasonably
25 foreseeable.

1 And that alone I think is really important under
2 3553(a) .

3 Even if the Court doesn't think it matters under the
4 guidelines, it goes to Davis's mental state and his culpability
5 in participating in this gang.

6 He participated in this gang knowing that its members
7 would commit murder and knowing that they would commit this
8 specific murder, which was an incredibly heinous and brutal
9 murder.

10 There are, of course, a lot of other ways that we know
11 murder was foreseeable to Shakeen Davis.

12 We know it based on the gang's rules of conduct, the
13 rule that snitching is punishable by death.

14 We know it by the things he posted on his Instagram,
15 flaunting firearms, bragging that anyone who goes against the
16 mob gets murdered.

17 We know it from his text messages. In some of them
18 he's talking about hunting people down who he's in a beef with.

19 So we know it in a lot of different ways, that this
20 defendant participated in this gang knowing that its members
21 were committing murders, knowing that that was a part of the
22 conspiracy that he was involved in.

23 And, of course, he himself attempted to murder two
24 individuals in furtherance of the gang.

25 I also want to talk about the need to protect the

1 public.

2 This is a defendant who, I think, is not going to be
3 deterred. And so I do think it is extremely important that the
4 Court protect the public from him for as long as it can.

5 First, his behavior while he was a fugitive is very
6 significant.

7 So the case was indicted in September of 2016.
8 Mr. Davis fled the indictment. He fled prosecution. He knew
9 he was a fugitive. There are messages in his phone or notes in
10 his phone talking about how he's a fugitive from the feds.
11 He's on the run.

12 He knew he was a fugitive. And he didn't stop his
13 criminal activity. It didn't deter him. He knew he was facing
14 very serious charges. He continued to deal drugs. He
15 continued to carry weapons.

16 And, in fact, when he was arrested, finally, in
17 February of 2017, he had a loaded pistol in his waist. He was
18 in a crowded shopping mall with a loaded pistol in his waist
19 and distribution quantities of crack cocaine on his person.

20 And it wasn't elicited in testimony at trial because
21 there was an objection about prejudicing the jury, but the
22 marshals did -- the members of the marshal's task force who
23 arrested him did say that when they went -- they came up behind
24 him and when they went to arrest him, he immediately reached
25 for his gun, which I think is significant. I mean, it's

1 additional evidence that this defendant poses a real danger to
2 the public.

3 It's bad behavior as it is, but when you're a
4 fugitive, I think it's even worse and it shows that he's not
5 deterred.

6 It's also why the razor blade incident is so
7 important.

8 And I agree with Mr. Hazlehurst that a guideline
9 enhancement is not appropriate for obstruction of justice on
10 these facts.

11 Unfortunately, we did what we could to investigate the
12 incident, were not able to come up with jail calls in which it
13 was explicitly -- any kind of plot was explicitly discussed.

14 My belief is that it must have been discussed in
15 face-to-face meetings.

16 So we don't have the evidence of obstruction of
17 justice, and we're not asking for that.

18 But I think it is clear evidence that the defendant,
19 again, presents a clear and present danger.

20 Even after the full weight of the federal justice
21 system came down on him, even when he's facing the most serious
22 possible charges, he doesn't stop trying to hurt people.

23 He attempts to smuggle in razor blades in his shoes on
24 the final day of trial, and I just don't think that there is
25 any plausible reason why he would have done that unless he was

1 trying to hurt someone. I think any argument to the contrary
2 just isn't believable.

3 So we think, obviously, the offense conduct is
4 extremely serious. It's about as serious as it gets.

5 This was a very violent gang that over many years was
6 responsible for five murders that were proved up at trial;
7 multiple shootings; two attempted murders for which the
8 defendant himself was responsible; the trafficking of deadly
9 drugs over a period of many years.

10 It's a very serious offense. But it's also, we
11 think -- one of the factors that was perhaps of overriding
12 importance in this case is the need to protect the public under
13 3553(a), and we think that that really has to carry a lot of
14 weight in this case given that the defendant has demonstrated
15 that he just will not be deterred.

16 And so we ask the Court to protect the public from him
17 for as long as the law allows, and that is by imposing a life
18 sentence.

19 **THE COURT:** All right. Thank you, Ms. Hoffman.
20 Mr. Hazlehurst.

21 **MR. HAZLEHURST:** Thank you, Your Honor.

22 Your Honor, as the Court knows, we are asking the
23 Court to impose a sentence on all counts, other than Count 32,
24 of ten years and then a five-year consecutive sentence, as
25 mandated by statute, for a total sentence of 15 years.

1 Before I get to why we believe that is appropriate, I
2 would like to respond just briefly to some of the points the
3 Government has made.

4 And, Your Honor, I am not going to rehash the evidence
5 because it's very clear that we've staked out our particular
6 grounds in regard to what the evidence shows.

7 But there are some points that were made that I do
8 think are important.

9 One, Your Honor, in regard to Mr. Malcolm Lashley's
10 evidence, I was paying absolute attention when Ms. Perry was
11 examining Mr. Lashley.

12 And Ms. Perry asked Mr. Lashley, looking at the aerial
13 map that was on the screen, point to where you were when you
14 saw this, and he pointed and put his finger down right at
15 second base (indicating).

16 And I honestly think, quite frankly, that it startled
17 Ms. Perry a little bit. She didn't expect that answer. She
18 appeared to be a little startled. But that was what he
19 indicated.

20 And, Your Honor, quite frankly, as I think I stated
21 during closing argument on behalf of Mr. Davis, one of the
22 maxims that we all follow as trial attorneys is you never ask a
23 question when you've already gotten the answer that you want.

24 And, quite frankly, the answer that I think was
25 correct and true -- but it was also an answer I wanted -- was

1 that Mr. Lashley couldn't have seen what he saw -- said he saw.
2 And I think we demonstrated that during closing argument.

3 But that's why I didn't cross-examine on that point
4 because he already said this is where I was.

5 Now, I think that Ms. Hoffman makes several leaps in
6 regard to her argument in terms of assessing the evidence that
7 she believes was advanced by the Government in support of the
8 verdicts.

9 And one of the things that she says also is a matter
10 of pure argument, there's no difference between conduct that
11 entails shooting a car and murder.

12 And obviously, Your Honor, I would argue strenuously,
13 but I'm not going to do it again, that Mr. Davis was not
14 responsible for that shooting.

15 But there is a huge difference between that conduct
16 and murder, and that huge difference is that no one died.

17 And, again, what the Government is putting forth is
18 that this was a point-blank shooting with an automatic weapon.

19 Now, again, we know there's no forensic evidence that
20 links that weapon to Mr. Davis. There may have been other
21 weapons of a like nature that Mr. Davis may have been found in
22 possession of, but there's no forensic evidence there.

23 But, again, if, in fact, Mr. Davis had been of a mind
24 to kill either one or both of these people, if he, in fact, was
25 the person who did it, it was an easy thing to do, and that

1 didn't occur.

2 So there is a significant difference between what
3 occurred and murder.

4 Your Honor, it is very clear that Mr. Davis and
5 Mr. Frazier are friends, but I don't think the evidence that
6 was advanced in this case goes beyond that.

7 Specifically in regards to the Ricardo Johnson
8 homicide, Your Honor, it was a very distinct feeling in that
9 courtroom, with all the elders of MMP sitting in front -- quite
10 frankly, what we referred to as "the kiddie table" in the
11 trial -- that we had two people that were in many respects not
12 alike and not part of that group. They were much younger.
13 They clearly grew up in the same neighborhood. They were
14 friends.

15 To the extent that we're talking about proof of being
16 involved in a homicide, the mere fact that one person,
17 Mr. Frazier, sends text messages that are unanswered to another
18 person doesn't indicate that Mr. Davis was involved in that
19 homicide.

20 Foreseeability, the jury found that. But involvement
21 is a different story. And, quite frankly, Your Honor, that
22 doesn't cut it.

23 The telephone call, August 10th, 3:07 in the morning,
24 again, we have no idea what was in that telephone call. We
25 don't know whether it went to voicemail, whether it was ever

1 received. It went to a number associated with Mr. Davis. We
2 don't know if he even had that phone.

3 So, again, there is -- it's not enough there, but --
4 and that -- as I pointed out in my sentencing submission,
5 Your Honor, those things are obviously very troubling
6 allegations.

7 But in terms of making that leap and bridging that gap
8 between one and the other, it isn't there.

9 Your Honor, I think Ms. Hoffman also places great
10 emphasis on the fact that Mr. Davis was engaged in similar
11 conduct when he was a fugitive, per se, after the indictment
12 came out.

13 And, Your Honor, to the extent that someone becomes
14 aware that they are under a federal charge, if, in fact -- and
15 we made no bones about this. This was something that we talked
16 about in closing and we admitted, that Mr. Davis sells drugs.

17 Unfortunately, part of selling drugs in this day and
18 age involves sometimes the possession of weapons. It's not a
19 good thing. It's not a positive thing.

20 But, again, I don't think that that goes to doing
21 anything other than what a drug dealer does. It doesn't
22 indicate involvement with a gang. It just indicates that this
23 is someone who sells drugs.

24 And, Your Honor, as to the razor blade, again, I think
25 there's another leap of faith that's asked for from the Court.

1 We don't have any evidence on the record as to ultimately what
2 was found.

3 But assuming what was put forth in the Government's
4 sentencing memorandum is a proffer, and accepting that as a
5 proffer, we don't know when those razor blades -- they were
6 found in the shoes -- when they got there, who the shoes
7 belonged to, what -- how long they had been there. We just
8 don't know those things.

9 And presuming that someone with a three-quarter-inch
10 razor blade, the type that are found in a disposable razor,
11 were there for the purposes of inflicting harm on anybody is a
12 huge leap of faith.

13 And, again, Your Honor, as it is today, the security
14 in that courtroom ringed the defendants (indicating). Any
15 attempt -- if Mr. Davis had known something was in his shoes,
16 was attempting to go into his shoes, there was absolutely no
17 ability for him to do that, and I think he knew that, because
18 that marshal was always seated right behind him.

19 So, again, I don't think that that is -- we don't have
20 enough at this point on the record to say that is evidence that
21 he is a danger. That is an open question.

22 Your Honor, in its sentencing submission, the
23 Government labeled Mr. Davis as a hardened, recidivist
24 criminal.

25 And as I noted, Mr. Davis is now 25 years old. When

1 this conspiracy is alleged to have began, it was 2011, he was
2 17 years old.

3 When he was arrested, that was February 24th, I
4 believe, of 2017, he was 23.

5 I would submit to the Court there is no such thing --
6 but certainly not in this case -- as a 23-year-old hardened,
7 recidivist criminal.

8 His record, even taking it as a Criminal History
9 Category III, doesn't support that.

10 What we have is, again, someone who grew up in a
11 neighborhood -- and this is Forest Park Avenue and
12 Windsor Mill Road, that intersection that we all heard volumes
13 about during this trial -- who lived in that neighborhood. And
14 that neighborhood, quite frankly, was invaded. There is
15 absolutely no doubt about that. It was invaded.

16 Whether you consider it as a part of MMP or say,
17 listen, this is just a group of older people who, again, I
18 think I used the word "annexed" in my sentencing letter, to
19 make this part of their territory, you've got those people
20 sitting right on top of Mr. Davis.

21 And, again, the Government's theory has always been
22 that you were in that neighborhood and you engaged in any sort
23 of criminal conduct -- and certainly drug dealing is criminal
24 conduct -- you had to do it as either part of the gang or being
25 approved by the gang.

1 And we don't have any evidence, again, that Mr. Davis
2 was ever jumped in, there was an initiation ritual. We don't
3 have any evidence that people actually suffered sanctions
4 because of this if they were trying to commit criminal acts in
5 this particular neighborhood.

6 But, again, this is Mr. Davis's neighborhood. This is
7 where he grew up. This is Mr. Frazier's neighborhood. This is
8 where he grew up.

9 Now, the Government is seeking a life sentence in this
10 case. And the guidelines are not what I believe -- obviously
11 what the Government believed they would be as the Court
12 calculated them.

13 Just in regards to the proportionality within the
14 context of this case, what that does is it places Mr. Davis on
15 the same plane as Dante Bailey.

16 And I don't mean to tar Mr. Bailey unnecessarily, but
17 a huge amount of the evidence in this case went directly to
18 Mr. Bailey: A number of homicides, a number of attempted
19 homicides, one where Mr. Bailey himself pulled the trigger on
20 someone who was apparently an innocent victim, mistaken
21 identity.

22 And so we're talking about this 25-year-old man being
23 placed at the same level as Dante Bailey, and that just doesn't
24 make it -- it's not correct.

25 But it's also just talking about people like

1 Dontray Johnson. Dontray Johnson pleaded guilty in this case,
2 as the Court knows. The Court took the guilty plea.

3 He didn't cooperate. At least to my knowledge, he
4 didn't cooperate. Certainly didn't appear at trial.

5 But he pled guilty to an agreed-upon sentence of 30
6 years. This is a man who admitted himself shooting two
7 people -- and I think one of them we have on video, if not
8 both.

9 So, again, it just -- that places Mr. Davis in the
10 upper echelons of this group.

11 And, again, it just seems to be a disproportionate
12 sentence.

13 Seeking a life sentence for Mr. Davis, I believe, is a
14 gross miscalculation. It does ignore his youth. It does
15 ignore the circumstances of his upbringing. Ignores, again,
16 the fact that MMP, or whatever you want to call it, came in and
17 squatted on his neighborhood. And in many respects, whatever
18 he did, he was going to have to be a part of it, especially
19 given under the Government's theory.

20 But this also, Your Honor, I think it goes beyond
21 that. It's -- we saw tons of social media in this case. And I
22 remarked in the sentencing letter that a lot of what the Court
23 saw -- and I think during examination, at the very least, even
24 if you didn't believe, as I did, that it showed MMP activity,
25 it certainly showed an influence on Mr. Davis. And it was

1 inescapable to him.

2 Your Honor, I also would note, in regard to the
3 proportionality of the plea -- or the propriety of the request
4 of the Government in terms of sentencing, the Court knows,
5 because we had to place on the record at the beginning of the
6 case under Lafler and Frye, what offer had been made to
7 Mr. Davis.

8 And the Government -- and I will absolutely agree with
9 this, it was a January 31st e-mail, at my request, because I
10 was the third counsel in this case and I wanted to see was
11 there any ability to resolve this case.

12 And I asked Ms. Hoffman to provide me essentially
13 numbers, and she said this is not an offer, but we would be
14 looking at essentially a range of 18 to 22 or a (C) plea to 20
15 years.

16 And, quite honestly, Your Honor, it strikes me as
17 wrong somehow the idea that merely for putting the Government
18 to its evidence that we make that leap, because he didn't
19 change in terms -- the Government had the evidence that it had.
20 It hasn't changed. It knew what it thought Mr. Davis was, and
21 yet we go from that to a potential life sentence.

22 The last part, Your Honor, of this presentation -- and
23 I apologize for going on so long -- and I note that Mr. Davis
24 has family in the courtroom. His mother is present today. The
25 people who wrote those letters are here today (indicating).

1 I spent -- Mr. Davis probably doesn't want to remember
2 this, but I spent hours and hours and hours with him.

3 And, honestly, he is a young man of actual, I think,
4 substantial intelligence, substantial ability, substantial
5 potential.

6 He got maybe -- maybe someone in his situation has an
7 incredible ability to resist, to avoid the things he saw around
8 him, to evade that lifestyle. I think that that's probably a
9 superhuman effort given the level of power that that group
10 exerted on that neighborhood.

11 So he was inculcated in that and he rose into that.
12 Didn't have a father. His mother's working like crazy to try
13 and raise the family. He sees the need to be able to try and
14 support the family as best he can, to contribute to that
15 welfare of the family, and he's doing what he knows can help
16 with that.

17 To put him in jail for the rest of his life, again, I
18 think is a huge, huge waste of that potential.

19 The Court has the ability to impose a sentence, the
20 sentence that we've requested, that will keep him away from the
21 public for a substantial period of time. 15 years is an
22 extremely long sentence.

23 But it also gives the ability to get treatment for his
24 bipolar disorder. I thought it was a remarkable thing that
25 Mr. Davis, when being treated for it and given medication for

1 the bipolar disorder, didn't take it because of the cross-issue
2 with marijuana. He chose the marijuana.

3 That's unfortunate because I think it would have
4 helped him a great deal. And he still has the ability to get
5 treatment. He has the ability to get treatment for that drug
6 issue.

7 But he also has the ability to put that mind to use to
8 get an education, get training, to get a job.

9 And ultimately, the biggest thing, the prize for him
10 and the goal for him is to be back into the community at some
11 point to do for his daughter what his father never did for him.

12 And it's an argument and it's a statement that I've
13 made too many times in this courthouse, and I see it all the
14 time, and I wish it weren't so. If I could go and roll back
15 time in any of these cases, I would absolutely do it.

16 But this is a man who wants to be there for his
17 daughter.

18 So, Your Honor, I would ask the Court to impose the
19 sentence that Mr. Davis has requested.

20 Again, if he, in fact, poses a danger, that danger can
21 be accounted for.

22 But what certainly is not being accounted for in the
23 sentence that the Government is asking for is the tremendous
24 waste of this person and all that potential that he has to
25 bring.

1 Thank you, Your Honor.

2 **THE COURT:** Thank you, Mr. Hazlehurst.

3 And before I turn to your client, let me just ask, are
4 there any particular recommendations?

5 **MR. HAZLEHURST:** Your Honor, Mr. Davis is asking, in
6 particular, to be imprisoned, if possible, in Schuylkill, one
7 of the facilities there.

8 He is interested in trying to get either a commercial
9 driver's license or some electrical -- basically, an
10 electrician's training.

11 But I think, quite honestly, his desire is to do
12 whatever he can, in terms of wherever he goes, to get a trade
13 that will enable him to make a living once he is released,
14 hopefully, from prison.

15 **THE COURT:** Okay.

16 **MR. HAZLEHURST:** And, Your Honor, obviously drug
17 counseling and treatment. And, if possible, RDAP, because I do
18 think that that is a good program. And if he is given that
19 recommendation, hopefully he will be able to get into that
20 program.

21 **THE COURT:** Okay. Ms. Hoffman?

22 **MS. HOFFMAN:** There are a few points I just wanted to
23 respond to very briefly.

24 One is the argument that Mr. Davis was somehow an
25 unwilling participant in MMP, that, you know, if he was in the

1 gang, it was only because elders in the neighborhood took over
2 the neighborhood and he was roped into it by necessity because
3 he was dealing drugs there.

4 I think the evidence presented at trial shows that
5 that is absolutely not the case. I mean, we put on photo after
6 photo of Mr. Davis on his Instagram page, happily throwing up
7 M signs, bragging about "Murdaland Mafia, the world is ours."

8 Talking about mob meetings with mob bosses, jail calls
9 in which he greeted others with, "What's mobbing?"

10 I just don't think it's a fair characterization to say
11 that he was an unwilling participant. I think it was quite the
12 contrary.

13 The argument about sentencing disparities, I did want
14 to just address that very briefly.

15 Of course, Dante Bailey is worse than Shakeen Davis.
16 I think that that is indisputable. Mr. Bailey, as proved at
17 trial, was responsible for either himself committing or
18 ordering five murders.

19 However, I don't think that -- Dante Bailey can't
20 serve, you know, 13 life sentences. He can only serve one life
21 sentence, and so I don't think it's really a fair comparison.

22 I do think that Dante Bailey is worse than
23 Shakeen Davis, but I do also think that a life sentence is
24 warranted in this case based on the facts of the case and the
25 danger that the defendant poses.

1 Dontray Johnson, it is true, did plead guilty to 30
2 years. Obviously, there is a significant benefit that a
3 defendant receives by virtue of pleading guilty.

4 But there are also some special factors. As
5 Your Honor knows, Mr. Johnson is charged in a separate
6 witness-retaliation case. The Government plans to seek
7 additional time in that case.

8 And so I don't think that that's a completely fair
9 comparison point either.

10 And then I just would ask Your Honor to disregard the
11 information about plea negotiations. I don't think it's
12 appropriate to bring up plea negotiations in the course of
13 sentencing.

14 It deters the Government from engaging in any kind of
15 negotiations. I don't believe that the negotiations were
16 accurately reflected, and so I just would ask Your Honor to
17 disregard that.

18 **THE COURT:** Mr. Hazlehurst?

19 **MR. HAZLEHURST:** Your Honor, just in regard to that, I
20 do have the e-mail that states -- and so that is verbatim from
21 the e-mail.

22 And I don't do it -- it's certainly not admissible at
23 trial and it's not something -- but, again, I do think in terms
24 of where we are, vis-à-vis where we were before the trial, it
25 is important and relevant.

1 Your Honor, Mr. Davis has asked me specifically also
2 to just cover the fact that he has been in the
3 Chesapeake Detention Facility since February 24th of 2017, and
4 that is a -- is certainly not an easy place to be, because
5 among other things, in terms of just the normal conditions,
6 there is a lack of ability to get any sort of educational
7 opportunities. There's a lack of the ability to hold a job and
8 to receive any sort of pay.

9 Your Honor, the last thing I would say is, again, I
10 think that the Government has commented just on the photographs
11 of Mr. Davis and what he was doing in regard to the throwing up
12 M's.

13 To me, Your Honor, quite frankly, that is evidence of
14 the sway that that group had over the neighborhood and the
15 inculcation of that culture, which is something that, again, he
16 couldn't drive into another neighborhood. He can't --
17 couldn't relocate his family. That's where he lived.

18 **THE COURT:** Sure. And I did not understand you,
19 Mr. Hazlehurst, to be suggesting that he was forced into
20 association with the gang.

21 **MR. HAZLEHURST:** No, Your Honor. No, no, absolutely
22 not. It was simply -- again, I think it was a matter of
23 culture, but also just the fact that it really was -- there
24 was -- they held sort of, you know, sway over the neighborhood.

25 **THE COURT:** All right. Mr. Davis, if there is

1 anything you would like to say before I make a final decision
2 about the sentence, you have the right to do that. You don't
3 have to. I assume you're going to appeal in this case, and I
4 won't hold it against you if you don't have anything you want
5 to say.

6 But if you'd like to speak, you have the right to do
7 that.

8 **THE DEFENDANT:** Of course. Thank you for this
9 opportunity to speak.

10 And, Your Honor, I would like to start by introducing
11 myself in the proper manner.

12 So good afternoon, Chief Judge Catherine Blake. My
13 name is Shakeen Davis.

14 As of today, I'm 25 years of age, a proud father of
15 one beautiful 6-year-old daughter.

16 I'm a lifetime resident in Baltimore City in which --
17 where I received my high school diploma.

18 I'm the youngest child of Mrs. Davis, who has raised
19 me alone my entire life.

20 I was born and raised in the area of Forest Park and
21 Windsor Mill in which I resided for two decades.

22 And I just want to thank you for your time and
23 cooperation during the course of our eight-week trial. And I
24 see you're a very patient individual. So I promise to keep
25 this as brief as possible.

1 With that being said, let me begin.

2 The Government painted a picture of me at trial with a
3 numerous number of false allegations and assumptions. The
4 assumptions made against me would make any human being look
5 like an ungodly criminal or Public Enemy Number 1.

6 I state this because not one of the case agents,
7 U.S. State's Attorney's, prosecutors, detectives, or et cetera
8 personally know me or even held a conversation with me to make
9 any judgment of my character whatsoever.

10 The Government portrayed to you and the jurors that
11 I'm a menace to society, which would be wrong and highly
12 prejudiced.

13 Insufficient evidence, untruthful witness testimony,
14 contradicting statements that altered the theory of the
15 Government and so on had a major effect on the outcome of the
16 case against me. Absolutely no proof beyond a reasonable
17 doubt.

18 Not one storeowner, employee, or civilian citizen
19 testified during the course of this trial. Only individuals
20 who wanted some type of leniency towards their own sentence.

21 To be completely honest, I feel as though having a
22 jury trial in a conspiracy case makes it merely [sic]
23 impossible to receive a fair trial due to the lack of
24 knowledge -- their lack of knowledge of federal law.

25 Don't get me wrong, I fully understand that I'm far

1 from perfect. And me being human, I made bad decisions
2 throughout my life. But none of the decisions I made should
3 have me incarcerated for a decade or decades of my life.

4 Before I went to trial, my lawyer told me it was not
5 on me to prove my innocence, the reason why I didn't take the
6 stand in my own behalf. But it was on the burden of the
7 Government to prove my guilt in which, in my eyes, they have
8 failed to do on the counts held against me.

9 I don't mean to sound repetitive, but the time I'm
10 receiving today is from assumptions and opinions made by the
11 Government. Basically, what they think, thought, or believed,
12 not what they know or can prove, which is the utmost unfair,
13 not just to me, but my family and loved ones.

14 These past three years that I've been incarcerated, I
15 missed a large portion of my daughter's life that I can't make
16 up to her. I sincerely don't want her mother to have to raise
17 her alone.

18 That is why I need to get home to protect and provide
19 for her as a father should. She doesn't deserve to go through
20 what I had to go through as a child, which Mr. Hazlehurst has
21 stated already.

22 I really want to better myself as a person, but it
23 isn't any programs or trades where I'm currently housed at, so
24 it's been rather difficult to do so.

25 That's the reason why I wish to go to a facility that

1 can help me retain some type of trade or HVAC and/or
2 electrician.

3 And that's all, ma'am.

4 **THE COURT:** Okay. Thank you, Mr. Davis.

5 Anything else anybody needs to say at this point?

6 **MR. HAZLEHURST:** No, Your Honor. Thank you.

7 **THE COURT:** All right. Thank you.

8 I'm going to take a 15-minute recess and I'll come
9 back and give you the sentence.

10 (3:39 p.m.)

11 (Recess taken.)

12 (4:05 p.m.)

13 **THE COURT:** You can all be seated, please.

14 Conference at the bench.

15 (It is the policy of this court that every guilty plea and
16 sentencing proceeding include a bench conference concerning
17 whether the defendant is or is not cooperating.)

18 **THE COURT:** All right. Well, thank you, all, counsel
19 and the probation officer.

20 As I've said before, sentencing is very difficult.
21 There are a lot of things to consider. It brings very
22 obviously serious consequences, but it has to recognize very
23 serious behavior.

24 I'm going to explain my reasons and do my best to
25 address the arguments that you all have made.

1 We know what the guidelines are to begin with, from
2 the 292 to the 365 months, plus the additional 60 months on
3 Count 32.

4 That's just one factor. But I am taking that into
5 account. I do believe that's a correct calculation.

6 This is an extremely serious set of offenses by
7 Mr. Davis. There's just no question about that.

8 First of all, as far as Count 1, the RICO, which is
9 obviously related to Count 2, the drug conspiracy, whether
10 Mr. Davis was a completely voluntary, free-choice participant
11 in MMP; whether there were some aspects of that that he
12 couldn't avoid because it was in his neighborhood, frankly, I
13 think it's a little bit beside the point. I agree with the
14 jury's verdict in this case.

15 But the point that's more important to me is the
16 conduct that he was involved in very clearly, I believe, and
17 the jury found, that he involved himself in selling drugs -- to
18 some extent, that's not disputed -- and the possession of guns,
19 which always creates a risk of violence and in actual violence
20 in furtherance of the drug trafficking and the MMP organization
21 generally.

22 It's clear that, unfortunately, Mr. Davis was doing,
23 as has been said, essentially sort of what he knew how to do,
24 sell drugs and use weapons.

25 The quantity of drugs here, alone, would make this an

1 extremely serious case. The jury found -- I believe
2 correctly -- at least a kilo of heroin and 280 grams of crack
3 were foreseeable to Mr. Davis. And we all know that drugs kill
4 people and destroy people's families.

5 The second extremely important factor regarding the
6 seriousness of the offense is both the violence and the risk of
7 violence that Mr. Davis engaged in.

8 It's quite clear that he, at various times, carried or
9 possessed/used a number of loaded weapons, including an AR-15
10 assault rifle.

11 I believe it was April 26th of 2016 when he was found
12 in the car with the stolen Glock and also with the AR-15 and
13 with a mask.

14 As the Government indicated earlier, there were also a
15 number of references in the evidence to Mr. Davis's possession
16 of that sort of weapon.

17 We have -- again, I understand Mr. Davis disagrees --
18 but what I believe was proved, the attempted murder of the two
19 individuals.

20 Now, I will agree with Mr. Hazlehurst, there is a
21 difference between attempted murder and murder. We can never
22 know exactly what was in Mr. Davis's mind when he was shooting
23 at those folks.

24 But he did not kill anyone; and I think for good
25 reason, the law treats that differently from a proven

1 first-degree, premeditated murder that has actually taken
2 someone's life.

3 On the other hand, of course, it's extremely violent
4 and risky behavior. And whatever his intent, it easily could
5 have killed someone in the car or injured a bystander, so it's
6 certainly very serious.

7 I do think that there is a significance -- not
8 amounting, for various reasons, to obstruction of justice --
9 but there's certainly a significance for 3553(a) matters of his
10 being found to have essentially razor blades in his shoes on
11 April 29th of 2019, as he was preparing to be brought into the
12 courthouse.

13 I would certainly find that, at least by a
14 preponderance of the evidence, it would be extremely surprising
15 to me if he did not know that those blades were in the shoes
16 that he was wearing.

17 Precisely what the purpose was in court, in the
18 lockup, or at CDF, or as some sort of protection, I don't know.
19 But it is relevant that he was carrying that kind of contraband
20 in his shoes as late as April of 2019.

21 And that, I think, goes to the real need in this case
22 to deter Mr. Davis specifically.

23 Now, I do understand and agree with Mr. Hazlehurst's
24 point, he's still relatively young. I don't think it's at a
25 point where one can say that he would never change or he is a

1 completely hardened criminal.

2 On the other hand, I have to look at what is the
3 record in front of me so far.

4 And in 2011, he has a juvenile offense involving a
5 gun. And we know he had a gun in 2012 and at various points
6 during this case. I've mentioned the AR-15 in 2016 while he
7 was a fugitive in this case. He was arrested with a loaded,
8 stolen gun and drugs. Obviously hadn't been deterred. And
9 then had the razor blades in 2019.

10 So I hope he may be able to mature and learn some
11 better judgment, but the record so far is not encouraging.

12 Now, this is a tragedy for Mr. Davis's family. And I
13 do consider that obviously he had a hard time growing up. And
14 he grew up in a neighborhood where his choices were limited and
15 his family circumstances were not what he might have wanted.

16 And I'm sure he has done good things for his family
17 and his friends and that he cares about his family. I don't
18 doubt that at all. And I'm sure he has the intelligence to do
19 something better than what he has been doing.

20 But I need to balance all that against protecting the
21 public and recognizing the seriousness of this crime and
22 deterring Mr. Davis.

23 A couple of other points that I don't want to ignore.

24 Yes, he's been at Chesapeake Detention Facility for a
25 period of time. That, as I've said before -- because it's

1 brought up by virtually every defendant -- I understand, the
2 Court understands that there are problems at CDF, and we have
3 been trying to do what we can, on an institutional basis, to
4 address that.

5 But I don't think it's an appropriate factor to take
6 into account specifically in terms of a sentence or lowering a
7 sentence for that reason.

8 I will also say that I think it is important for a
9 court to consider relative culpability in sentences that have
10 been issued to other people and what their conduct represents.
11 It's a little hard to do here.

12 Mr. Bailey is in a different category.

13 Mr. Johnson is in a different category for a number of
14 reasons, and he did accept responsibility.

15 I'm not going to specifically address the question of
16 plea negotiations. I always believe that the Government -- as
17 well as, of course, the defense counsel -- should be
18 negotiating in good faith and should have good reasons for
19 whatever their recommendations are, whether it is before or
20 after trial.

21 I believe that a very significant sentence, consistent
22 with the guidelines, is warranted in this case.

23 I do not agree with the Government that a life
24 sentence would be appropriate or proportional to what has been
25 proved as to Mr. Davis and taking into account his individual

1 circumstances.

2 I think the sentence I'm about to announce is lengthy
3 and sufficient without being greater than necessary. And,
4 again, the guidelines are not controlling, but they are one
5 factor that I may consider. And this is a within-guideline
6 sentence.

7 And that sentence, Mr. Davis, on Count 1 is going to
8 be 25 years in the custody of the Bureau of Prisons. That is
9 300 months on Count 1.

10 The same sentence I believe is warranted on Count 2,
11 the drug conspiracy, 25 years, 300 months.

12 On the other two firearms charges, that's 16 and 30,
13 the maximum is 10 years. That will be a 10-year sentence.
14 This is all concurrent.

15 On Count Number 31, that is, again, a 25-year
16 sentence, concurrent.

17 And on Count 32, there will be the required
18 consecutive 60-month sentence.

19 There is a \$100 special assessment on each count that
20 I am imposing.

21 Mr. Davis's financial circumstances do not permit a
22 fine.

23 And, of course, I will recommend that he be designated
24 to the facility at Schuylkill and receive some vocational
25 training, as well as participate in any substance abuse

1 treatment program he might be eligible for.

2 That's going to be up to the Bureau of Prisons exactly
3 where he is designated.

4 And tell me what I have left out or the legal
5 objection to the sentence.

6 **MS. HOFFMAN:** Count 31, Your Honor, I believe the max
7 is 20 years on that count, based on the quantity of drugs.

8 **THE COURT:** I'm sorry, the max is how much?

9 **MS. HOFFMAN:** 20 years.

10 **THE COURT:** All right. I believe it was reflected
11 differently on the presentence report, but I did not --

12 **MS. HOFFMAN:** I think I failed to catch that in the
13 PSR.

14 It does say "life" in the PSR, but the quantity is --
15 it was just a detectable quantity.

16 **THE COURT:** You're correct. Thank you.

17 Then that's 20. 20 years on Count 31.

18 Anything else?

19 **MS. HOFFMAN:** Just one final note.

20 In light of the Supreme Court's recent decision in
21 Rehaif regarding what's necessary for the Government to prove
22 on 922(g) convictions, I think that the Government will be okay
23 on an appeal.

24 But in case there are any appellate issues, I would
25 ask that the Court find explicitly that the sentence that the

1 Court is imposing on Counts 1 and -- Counts 1, 2, and 32 would
2 be imposed independent of whether the Fourth Circuit determined
3 that the defendant was entitled to a new trial on the 922(g)
4 convictions.

5 **THE COURT:** I should also make it clear, if I have
6 miscalculated the guidelines, again, they are only one factor,
7 and that would not change my sentence.

8 And absolutely, Counts 16 and 30, if for some reason
9 those 10-year sentences had to be vacated, I would still
10 believe that the 25 years on the other counts, followed by the
11 five years on Count 32, would be reasonable and sufficient
12 without being greater than necessary.

13 Anything else?

14 **MS. HOFFMAN:** We are moving to dismiss the
15 superseding indictment against Mr. Davis. He was convicted on
16 the second superseding indictment.

17 **THE COURT:** Second superseding indictment. All right.
18 So the superseding would be dismissed.

19 And other than appeal rights, of course, anything,
20 Mr. Hazlehurst?

21 **MR. HAZLEHURST:** No, Your Honor. Thank you.

22 **THE COURT:** All right. Mr. Davis, as I mentioned, you
23 are aware, you have the right to appeal your convictions and
24 also this sentence.

25 I'm sure Mr. Hazlehurst will assist you in filing that

1 appeal. It needs to be within 14 days.

2 Do you understand that, sir?

3 **THE DEFENDANT:** Yes.

4 How do I file a actual appeal?

5 **THE COURT:** Mr. Hazlehurst will assist you in filing
6 that appeal.

7 You just need to file it in court, state that you're
8 filing an appeal, within 14 days, and your right to appeal will
9 be preserved.

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Okay. All right.

12 Thank you, all.

13 (Court adjourned at 4:19 p.m.)

14 I, Douglas J. Zweizig, RDR, CRR, FCRR, do hereby certify
15 that the foregoing is a correct transcript from the
16 stenographic record of proceedings in the above-entitled
17 matter.

18 _____
19 /s/

20 Douglas J. Zweizig, RDR, CRR, FCRR
21 Registered Diplomate Reporter
22 Certified Realtime Reporter
23 Federal Official Court Reporter
24 DATE: May 18, 2020
25

MR. HAZLEHURST: [19] 2/14 2/19 3/4 4/20 4/24 5/4 8/18 12/5 13/21 17/6 19/21 20/23 36/21 48/5 48/16 50/19 51/21 55/6 63/21 MS. HOFFMAN: [25] 2/6 3/15 4/15 6/3 11/14 13/15 14/5 14/22 14/25 15/20 15/22 16/17 19/20 21/17 22/7 22/21 22/24 23/12 23/18 48/22 62/6 62/9 62/12 62/19 63/14 THE COURT: [51] 2/3 2/12 2/17 2/20 3/13 3/21 4/16 4/21 5/3 5/5 8/16 10/4 12/4 12/14 13/19 14/2 14/20 14/24 15/17 15/21 16/3 17/5 18/16 19/23 21/12 21/20 21/22 22/8 22/16 22/23 23/6 23/15 36/19 48/2 48/15 48/21 50/18 51/18 51/25 55/4 55/7 55/13 55/18 62/8 62/10 62/16 63/5 63/17 63/22 64/5 64/11 THE DEFENDANT: [3] 52/8 64/3 64/10 THE PROBATION OFFICER: [2] 22/6 22/15	2017 [3] 34/17 42/4 51/3 2019 [4] 1/8 58/11 58/20 59/9 2020 [1] 64/21 21201 [1] 1/25 22 [1] 45/14 23 [1] 42/4 23-year-old [1] 42/6 24th [2] 42/3 51/3 25 [6] 7/17 41/25 52/14 61/8 61/11 63/10 25-year [1] 61/15 25-year-old [1] 43/22 26th [2] 14/11 57/11 27 [1] 7/19 280 grams [1] 57/2 292 [2] 22/11 56/2 29th [1] 58/11 2:23 p.m [1] 2/2 2:30 [1] 29/25 2A [1] 15/11 2E1.1 [1] 20/11	18/24
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1	4194 [2] 28/23 31/17 42 [1] 5/17 43 [10] 5/17 5/18 5/25 6/5 6/11 7/12 8/12 9/19 10/14 10/22 48 [1] 11/9 4:05 p.m [1] 55/12 4:19 p.m [1] 64/13 4th [3] 1/24 15/1 16/18	
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22	5	
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22	5A [1] 30/17 5K2.2 [4] 14/3 14/6 14/8 19/8 5th [1] 29/3	
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22	6	
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22	6-year-old [1] 52/15 60 [5] 23/3 23/9 23/11 23/13 56/2 60-month [1] 61/18 6230 [1] 16/4 6th [4] 15/5 16/15 16/17	
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [3] 14/23 14/25 61/13 10-year [2] 61/13 63/9 101 [1] 1/24 10th [2] 28/25 39/23 11 [2] 1/8 15/24 12 [2] 29/20 30/13 1202 [1] 3/1 13 [1] 49/20 14 [2] 64/1 64/8 15 [6] 27/23 36/25 46/21 57/9 57/12 59/6 15-minute [1] 55/8 15s [1] 27/18 16 [4] 5/8 9/8 61/12 63/8 17 [1] 42/2 18 [2] 45/14 64/21 19 [2] 14/21 14/22		
10 [

A		
adjourned [1] 64/13	although [4] 2/21 11/7 11/25 15/13	29/15 30/12 30/15 32/16 33/10 34/9 36/22 37/7 37/8 39/5
adjustment [2] 11/22 14/6	always [6] 8/23 18/20 41/18 42/21 56/19 60/16	39/17 40/5 40/14 41/10 43/10 45/25 48/3 48/22 50/4 50/24
admissible [2] 17/8 50/22	am [8] 3/1 8/18 10/16 11/10 19/12 37/4 56/4 61/20	55/21 56/1 60/2 60/19 61/4 61/4 62/24 63/6 63/14 63/23
admitted [2] 40/16 44/6	AMERICA [1] 1/3	area [2] 26/7 52/20
advanced [2] 38/7 39/6	among [1] 51/5	argue [2] 5/22 38/12
advisory [1] 22/16	amount [1] 43/17	argued [1] 29/9
aerial [1] 37/12	amounting [1] 58/8	argues [1] 25/22
affinity [1] 28/2	annexed [1] 42/18	argument [21] 3/16 7/3 9/17 9/21 12/6 12/9 12/12 13/10
after [9] 22/9 27/8 31/18 32/5 32/15 35/20 40/11 49/5 60/20	announce [1] 61/2	21/1 21/5 21/7 21/8 23/17 36/1 37/21 38/2 38/6 38/10 47/12 48/24 49/13
afternoon [4] 2/3 2/13 2/14 52/12	another [6] 8/1 13/4 27/4 39/17 40/25 51/16	arguments [5] 3/6 23/23 25/15 25/20 55/25
again [44] 3/11 5/5 9/14 9/20 9/22 10/2 11/2 12/6 12/24 13/8 13/24 18/13 21/2 21/6 21/24 35/19 38/13 38/17 38/19 38/23 39/24 40/3 40/20 40/24 41/13 41/19 42/10 42/17 42/21 43/1 43/6 44/9 44/11 44/15 46/17 47/20 50/23 51/9 51/15 51/22 57/17 61/4 61/15 63/6	answer [7] 10/9 16/9 16/11 37/17 37/23 37/24 37/25	arms [1] 12/1
against [8] 2/23 33/15 52/4 53/4 53/16 54/8 59/20 63/15	Antoine [1] 26/8	around [6] 16/8 27/18 27/19 27/21 30/4 46/7
age [2] 40/18 52/14	Antoine Ellis [1] 26/8	arrest [1] 34/24
Agent [2] 1/20 2/10	any [34] 4/13 4/23 6/10 6/23 6/25 7/4 7/21 9/25 12/6 12/11 19/1 19/18 24/12 25/5 26/1 35/13 35/25 36/1 41/1 41/14 42/22 43/1 43/3 45/11 47/15 48/4 50/14 51/6 51/8 53/4 53/9 54/23 61/25 62/24	arrested [4] 34/16 34/23 42/3 59/7
agents [1] 53/6	anybody [2] 41/11 55/5	as [99] 4/6 6/14 6/16 7/20 7/25 8/21 8/22 8/23 9/6 9/20 9/24 10/20 10/21 10/21 11/8 11/24 12/11 12/15 12/16 12/22 13/21 13/22 13/23 14/10 18/21 19/13 19/14 21/18 21/23 22/7 22/25 23/1 23/8 23/21 24/7 24/7 24/15 24/15 24/23 26/6 26/10 26/13 28/7 29/14 34/4 34/4 35/3 36/4 36/4 36/17 36/17 36/22 36/24 37/20 37/22 39/10 40/4 40/24 41/1 41/4 41/13 41/23 41/25 42/6 42/8 42/16 42/24 43/11 43/15 43/23 44/2 44/24 45/16 46/14 49/16 50/4 52/14 52/25 52/25 53/21 54/19 54/20 54/22 55/20 56/8 56/8 56/23 57/14 58/11 58/18 58/20 58/20 59/25 60/16 60/17 60/25 61/25 61/25 63/22
agree [11] 4/22 13/15 13/22 18/16 22/24 35/8 45/8 56/13 57/20 58/23 60/23	anything [10] 3/2 3/14 18/21 40/21 52/1 52/4 55/5 62/18 63/13 63/19	aside [2] 4/12 24/11
agreed [2] 5/14 44/5	apologize [4] 11/16 16/22 23/6 45/23	ask [8] 22/12 36/16 37/22 47/18 48/3 50/10 50/16 62/25
agreed-upon [1] 44/5	apparently [2] 10/8 43/20	asked [8] 26/2 26/16 26/19 29/4 37/12 40/25 45/12 51/1
agreement [1] 12/25	appeal [9] 52/3 62/23 63/19 63/23 64/1 64/4 64/6 64/8 64/8	asking [9] 11/11 11/12 11/17 11/20 17/23 35/17 36/22 47/23 48/5
ahead [1] 25/14	appear [2] 11/1 44/4	aspect [1] 13/20
ain't [1] 31/8	appeared [1] 37/18	aspects [1] 56/11
alike [1] 39/12	appears [2] 9/8 20/1	assault [5] 20/2 24/20 25/14 27/18 57/10
all [47] 2/12 2/17 2/20 3/13 3/21 4/3 4/10 5/5 7/22 10/4 14/3 16/5 19/23 21/22 21/24 22/8 22/9 22/16 23/16 25/25 30/16 30/24 32/21 36/19 36/23 37/22 39/9 42/12 47/13 47/24 51/25 55/3 55/7 55/13 55/18 55/18 55/25 56/8 57/3 59/18 59/20 61/14 62/10 63/17 63/22 64/11 64/12	appellate [1] 62/24	assault rifle [1] 57/10
allegations [2] 40/6 53/3	application [2] 11/23 20/11	assault rifles [1] 27/18
alleged [1] 42/1	applied [1] 14/8	assessed [2] 20/1 20/3
allegedly [1] 24/18	applies [1] 6/11	assessing [1] 38/6
alleges [1] 26/13	apply [5] 6/5 7/12 8/12 11/9 20/14	assessment [1] 61/19
allows [1] 36/17	appropriate [7] 10/22 19/7 35/9 37/1 50/12 60/5 60/24	assign [1] 5/25
alluding [1] 9/25	appropriateness [1] 10/13	assigning [2] 5/18 10/13
almost [2] 9/16 9/17	approved [1] 42/25	assignment [1] 5/16
alone [5] 29/23 33/1 52/19 54/17 56/25	April [10] 14/11 14/19 15/1 15/5 16/15 16/17 16/18 57/11 58/11 58/20	assist [2] 63/25 64/5
already [5] 21/22 25/17 37/23 38/4 54/21	April 26th [2] 14/11 57/11	Assistant [1] 1/16
also [40] 1/19 5/1 5/9 7/21 9/12 9/20 9/24 17/20 21/10 23/22 25/8 25/15 26/22 27/5 27/16 28/1 28/4 30/15 31/14 32/5 33/25 35/6 36/10 37/25 38/9 40/9 43/25 44/20 45/2 46/23 47/7 49/23 50/4 51/1 51/23 57/12 57/14 60/8 63/5 63/24	April 29th [1] 58/11	associated [1] 40/1
altered [1] 53/14	April 4th [2] 15/1 16/18	association [1] 51/20
	April 6th [3] 15/5 16/15 16/17	assume [3] 15/17 21/23 52/3
	AR [5] 27/18 27/23 57/9 57/12 59/6	assumes [1] 19/1
	AR-15 [4] 27/23 57/9 57/12 59/6	
	AR-15s [1] 27/18	
	are [65] 2/20 3/22 4/12 4/23 4/24 5/6 6/15 7/16 9/9 10/23 11/17 11/19 12/25 13/8 13/12 13/25 14/5 15/10 15/23 16/15 16/23 17/7 17/9 18/2 18/3 18/4 18/9 19/18 23/10 26/24 27/20 28/23 28/25 29/7 29/12	

A assuming [2] 21/13 41/3 assumptions [3] 53/3 53/4 54/10 ATF [2] 1/20 2/10 attempt [2] 12/17 41/15 attempted [13] 6/25 7/22 8/4 10/24 19/14 24/9 25/17 25/18 33/23 36/7 43/18 57/18 57/21 attempting [1] 41/16 attempts [1] 35/23 attention [1] 37/10 Attorney's [1] 53/7 attorneys [2] 1/16 37/22 attributable [1] 18/9 attribute [1] 18/6 August [6] 28/25 29/3 29/19 30/19 32/12 39/23 August 10th [2] 28/25 39/23 August 5th [1] 29/3 August 9th [2] 29/19 30/19 AUSA [1] 2/9 automatic [1] 38/18 Avenue [1] 42/11 avoid [2] 46/7 56/12 aware [6] 3/1 3/21 10/16 22/19 40/14 63/23 away [1] 46/20	62/1 62/2 62/22 63/2 63/9 63/11 63/18 64/1 64/9 bears [1] 25/19 beautiful [1] 52/15 because [28] 6/6 8/13 9/17 11/22 13/4 13/5 17/25 24/18 27/11 28/17 32/10 34/20 37/5 38/4 41/17 43/4 45/5 45/9 45/18 47/1 47/3 48/17 49/1 49/2 51/4 53/6 56/12 59/25 becomes [1] 40/13 beef [1] 33/18 been [24] 3/16 8/21 8/23 10/2 17/11 20/6 25/11 35/14 38/20 38/21 38/23 41/7 42/21 45/6 51/2 54/14 54/24 56/23 59/8 59/19 59/24 60/3 60/10 60/24 before [18] 1/11 9/11 12/9 16/18 19/10 22/21 28/13 30/16 30/19 31/14 37/1 48/3 50/24 52/1 54/4 55/20 59/25 60/19 began [1] 42/1 begin [2] 53/1 56/1 beginning [1] 45/5 behalf [5] 2/8 2/15 19/21 37/21 54/6 behavior [4] 34/5 35/3 55/23 58/4 behind [2] 34/23 41/18 behold [1] 27/9 being [15] 5/7 18/22 20/19 22/2 39/15 42/24 43/22 46/25 47/22 53/1 53/4 54/1 58/10 61/3 63/12 belief [1] 35/14 believable [1] 36/2 believe [42] 3/4 3/20 4/24 5/23 6/3 6/7 9/7 9/11 9/20 9/22 9/25 10/2 17/2 17/3 17/10 18/7 19/16 21/3 21/8 22/7 23/24 23/25 24/3 24/3 24/5 37/1 42/4 43/10 44/13 44/24 50/15 56/5 56/16 57/1 57/11 57/18 60/16 60/21 61/10 62/6 62/10 63/10 believed [4] 25/23 28/18 43/11 54/11 believes [1] 38/7 belonged [1] 41/7 bench [2] 55/14 55/16 benefit [1] 50/2 beside [1] 56/13 best [2] 46/14 55/24 better [5] 15/10 15/25 54/22 59/11 59/19 between [13] 7/17 18/23 18/24 24/12 28/14 28/22 29/13 30/15 38/10 38/15 39/2 40/8 57/21 beyond [6] 4/1 6/13 28/8 39/6 44/20 53/16 BGF [1] 7/23 big [2] 28/18 30/2 bigger [1] 7/23 biggest [1] 47/9 bipolar [2] 46/24 47/1 bipolar disorder [2] 46/24 47/1 bit [6] 19/24 24/15 29/22 29/22 37/17 56/13	black [1] 29/6 blade [4] 11/18 35/6 40/24 41/10 blades [5] 35/23 41/5 58/10 58/15 59/9 BLAKE [2] 1/11 52/12 blank [2] 17/15 38/18 blindfold [1] 30/1 bodily [7] 11/12 11/22 12/11 12/13 12/19 17/13 19/15 bones [1] 40/15 born [1] 52/20 bosses [1] 49/8 both [10] 17/1 19/13 22/18 23/4 23/11 27/1 28/24 38/24 44/8 57/6 box [5] 8/3 8/4 8/23 9/4 9/6 boy [2] 16/24 17/3 BP [1] 26/3 bragging [2] 33/15 49/7 brags [1] 32/17 Bredar [8] 6/18 7/5 7/11 7/18 8/2 8/5 8/6 10/5 Bredar's [1] 8/10 bridging [1] 40/7 brief [1] 52/25 briefly [3] 37/2 48/23 49/14 bring [2] 47/25 50/12 brings [1] 55/21 bro [4] 30/21 30/25 31/3 31/9 broad [1] 24/24 brought [2] 58/11 60/1 brutal [1] 33/8 bullets [1] 24/25 burden [1] 54/6 Bureau [2] 61/8 62/2 busy [2] 24/23 25/10 buying [1] 18/4 bystander [1] 58/5
B B-A-Z-E-M-O-R-E [1] 9/3 back [9] 16/7 19/24 25/1 29/12 29/15 29/21 47/10 47/14 55/9 bad [2] 35/3 54/1 bag [2] 27/24 29/2 Bailey [10] 43/15 43/16 43/18 43/19 43/23 49/15 49/16 49/19 49/22 60/12 balance [1] 59/20 ball [1] 26/3 Baltimore [3] 1/9 1/25 52/16 Baltimore City [1] 52/16 Banks [4] 27/2 27/3 27/7 27/13 Barronette [1] 9/12 base [4] 13/16 26/5 26/5 37/15 baseball [3] 25/24 26/4 26/11 based [15] 4/2 6/4 10/19 11/18 12/25 14/6 16/25 18/17 19/8 19/14 30/3 32/5 33/12 49/24 62/7 bases [1] 3/17 basically [5] 7/12 8/15 18/8 48/9 54/11 basis [1] 60/3 Bazemore [1] 9/3 be [59] 2/3 2/17 3/7 9/8 9/18 9/18 12/18 12/23 13/3 13/6 13/16 14/3 16/23 18/10 19/13 20/18 20/21 20/22 21/1 22/2 25/5 25/7 25/22 34/2 36/15 37/18 43/11 44/11 44/18 45/13 46/13 47/10 47/16 47/21 48/6 48/19 51/4 51/19 53/11 53/21 55/13 58/11 58/14 59/10 60/17 60/24 61/8 61/13 61/17 61/23	62/1 62/2 62/22 63/2 63/9 63/11 63/18 64/1 64/9 bears [1] 25/19 beautiful [1] 52/15 because [28] 6/6 8/13 9/17 11/22 13/4 13/5 17/25 24/18 27/11 28/17 32/10 34/20 37/5 38/4 41/17 43/4 45/5 45/9 45/18 47/1 47/3 48/17 49/1 49/2 51/4 53/6 56/12 59/25 becomes [1] 40/13 beef [1] 33/18 been [24] 3/16 8/21 8/23 10/2 17/11 20/6 25/11 35/14 38/20 38/21 38/23 41/7 42/21 45/6 51/2 54/14 54/24 56/23 59/8 59/19 59/24 60/3 60/10 60/24 before [18] 1/11 9/11 12/9 16/18 19/10 22/21 28/13 30/16 30/19 31/14 37/1 48/3 50/24 52/1 54/4 55/20 59/25 60/19 began [1] 42/1 begin [2] 53/1 56/1 beginning [1] 45/5 behalf [5] 2/8 2/15 19/21 37/21 54/6 behavior [4] 34/5 35/3 55/23 58/4 behind [2] 34/23 41/18 behold [1] 27/9 being [15] 5/7 18/22 20/19 22/2 39/15 42/24 43/22 46/25 47/22 53/1 53/4 54/1 58/10 61/3 63/12 belief [1] 35/14 believable [1] 36/2 believe [42] 3/4 3/20 4/24 5/23 6/3 6/7 9/7 9/11 9/20 9/22 9/25 10/2 17/2 17/3 17/10 18/7 19/16 21/3 21/8 22/7 23/24 23/25 24/3 24/3 24/5 37/1 42/4 43/10 44/13 44/24 50/15 56/5 56/16 57/1 57/11 57/18 60/16 60/21 61/10 62/6 62/10 63/10 believed [4] 25/23 28/18 43/11 54/11 believes [1] 38/7 belonged [1] 41/7 bench [2] 55/14 55/16 benefit [1] 50/2 beside [1] 56/13 best [2] 46/14 55/24 better [5] 15/10 15/25 54/22 59/11 59/19 between [13] 7/17 18/23 18/24 24/12 28/14 28/22 29/13 30/15 38/10 38/15 39/2 40/8 57/21 beyond [6] 4/1 6/13 28/8 39/6 44/20 53/16 BGF [1] 7/23 big [2] 28/18 30/2 bigger [1] 7/23 biggest [1] 47/9 bipolar [2] 46/24 47/1 bipolar disorder [2] 46/24 47/1 bit [6] 19/24 24/15 29/22 29/22 37/17 56/13	C calculated [4] 13/16 13/17 24/2 43/12 calculating [1] 5/13 calculation [2] 22/25 56/5 call [14] 2/5 24/1 24/3 27/5 27/9 27/14 31/16 31/19 31/20 32/10 32/11 39/23 39/24 44/16 Call J5 [1] 32/11 called [2] 24/4 32/11 calling [5] 31/20 31/22 31/23 32/1 32/2 calls [9] 24/6 27/20 28/22 28/24 29/20 30/13 32/12 35/12 49/8 came [5] 30/17 34/23 35/21 40/12 44/16 camera [2] 15/14 16/23 can [27] 2/3 2/17 3/11 5/22 10/6 10/20 15/16 18/10 18/17 20/17 21/24 25/5 25/6 26/7 26/20 34/4 46/14 46/15 47/20 48/12 49/20 54/12 55/1 55/13 57/21 58/25 60/3 can't [7] 10/19 18/25 25/22 26/17 49/19 51/16 54/15 cannot [1] 9/18 car [14] 11/4 12/13 24/20 24/23 25/13 25/14 27/8 27/10

<p>C</p> <p>car... [6] 29/24 29/24 30/8 38/11 57/12 58/5</p> <p>care [1] 29/6</p> <p>career [1] 18/2</p> <p>carefully [1] 10/7</p> <p>cares [1] 59/17</p> <p>carried [2] 10/2 57/8</p> <p>carry [2] 34/15 36/13</p> <p>carrying [1] 58/19</p> <p>cars [2] 25/9 25/12</p> <p>case [47] 1/4 2/5 2/7 6/5 6/19 6/24 7/15 8/1 8/3 8/9 8/19 9/4 9/11 9/15 10/9 17/12 23/20 23/25 34/7 36/12 36/14 39/6 42/6 43/10 43/14 43/17 44/1 44/21 45/6 45/10 45/11 49/5 49/24 49/24 50/6 50/7 52/3 53/6 53/16 53/22 56/14 57/1 58/21 59/6 59/7 60/22 62/24</p> <p>cases [5] 6/10 6/15 8/20 10/5 47/15</p> <p>casually [1] 31/23</p> <p>catch [1] 62/12</p> <p>category [5] 20/21 22/10 42/9 60/12 60/13</p> <p>Category III [2] 20/21 42/9</p> <p>CATHERINE [2] 1/11 52/12</p> <p>Catherine Blake [1] 52/12</p> <p>caught [1] 27/19</p> <p>causation [2] 17/24 18/22</p> <p>CCB [2] 1/4 2/7</p> <p>CCB-16-0267 [2] 1/4 2/7</p> <p>CDF [2] 58/18 60/2</p> <p>cell [7] 14/11 15/11 28/24 29/1 30/3 30/17 32/15</p> <p>cell phone [2] 14/11 32/15</p> <p>cell phones [2] 28/24 29/1</p> <p>cell site [1] 30/3</p> <p>CELL-2A [1] 15/11</p> <p>CELL-5A [1] 30/17</p> <p>certain [3] 11/4 20/12 20/13</p> <p>certainly [13] 5/22 13/21 19/6 42/6 42/23 44/4 44/25 47/22 50/22 51/4 58/6 58/9 58/13</p> <p>Certified [1] 64/20</p> <p>certify [1] 64/14</p> <p>cetera [1] 53/7</p> <p>chance [2] 4/18 10/7</p> <p>change [4] 11/16 45/19 58/25 63/7</p> <p>changed [1] 45/20</p> <p>changing [1] 27/7</p> <p>character [1] 53/9</p> <p>characterization [1] 49/10</p> <p>charge [1] 40/14</p> <p>charged [2] 6/21 50/5</p> <p>charges [3] 34/14 35/22 61/12</p> <p>check [3] 8/4 8/23 20/17</p> <p>checked [1] 8/3</p> <p>checks [1] 8/13</p> <p>Chesapeake [2] 51/3 59/24</p> <p>Chesapeake Detention [2] 51/3 59/24</p> <p>Chief [1] 52/12</p> <p>Chief Judge [1] 52/12</p>	<p>child [2] 52/18 54/20</p> <p>choice [1] 56/10</p> <p>choices [1] 59/14</p> <p>chopper [1] 27/22</p> <p>chose [1] 47/2</p> <p>Christian [2] 1/20 2/10</p> <p>Christian Aaonsen [2] 1/20 2/10</p> <p>Christina [2] 1/15 2/8</p> <p>Christina Hoffman [2] 1/15 2/8</p> <p>Circuit [2] 6/10 63/2</p> <p>circumstances [7] 7/16 10/7 20/14 44/15 59/15 61/1 61/21</p> <p>cite [1] 9/2</p> <p>citizen [1] 53/18</p> <p>City [1] 52/16</p> <p>civilian [1] 53/18</p> <p>clear [10] 5/24 26/24 32/21 35/18 35/19 37/5 39/4 56/22 57/8 63/5</p> <p>clearly [10] 7/8 10/13 15/7 26/9 26/20 29/17 30/12 32/24 39/13 56/16</p> <p>client [4] 4/18 7/6 12/15 48/3</p> <p>close [1] 3/10</p> <p>closing [3] 37/21 38/2 40/16</p> <p>cocaine [2] 5/10 34/19</p> <p>code [1] 32/19</p> <p>coded [1] 32/13</p> <p>coincidence [1] 27/25</p> <p>color [1] 27/8</p> <p>come [3] 22/3 35/12 55/8</p> <p>comes [2] 13/24 17/15</p> <p>comment [1] 13/19</p> <p>commented [1] 51/10</p> <p>commercial [1] 48/8</p> <p>commit [5] 25/16 25/18 33/7 33/7 43/4</p> <p>commits [1] 24/16</p> <p>committing [2] 33/21 49/17</p> <p>commonly [1] 15/2</p> <p>communicating [1] 29/17</p> <p>community [1] 47/10</p> <p>comparison [3] 6/16 49/21 50/9</p> <p>complete [1] 25/2</p> <p>completed [1] 6/23</p> <p>completely [4] 50/8 53/21 56/10 59/1</p> <p>complicated [1] 16/22</p> <p>concerning [1] 55/16</p> <p>concerns [1] 4/13</p> <p>concrete [2] 7/9 7/9</p> <p>concurrent [2] 61/14 61/16</p> <p>conditions [1] 51/5</p> <p>conduct [15] 7/8 20/12 24/7 24/13 24/15 25/6 33/12 36/3 38/10 38/15 40/11 42/23 42/24 56/16 60/10</p> <p>conference [2] 55/14 55/16</p> <p>conferred [2] 15/19 21/21</p> <p>connected [3] 7/4 10/17 10/17</p> <p>consecutive [5] 23/3 23/9 23/13 36/24 61/18</p> <p>consequences [1] 55/22</p> <p>consider [6] 22/17 42/16 55/21 59/13 60/9 61/5</p>	<p>consistent [1] 60/21</p> <p>consolidated [1] 2/25</p> <p>conspiracy [16] 5/7 5/8 6/4 6/15 6/21 7/23 8/1 8/20 12/24 13/4 28/10 33/22 42/1 53/22 56/9 61/11</p> <p>contained [2] 14/12 17/15</p> <p>context [2] 20/12 43/14</p> <p>continued [2] 34/14 34/15</p> <p>contraband [1] 58/19</p> <p>contradicting [1] 53/14</p> <p>contrary [2] 36/1 49/12</p> <p>contribute [1] 46/14</p> <p>controlling [1] 61/4</p> <p>conversation [3] 28/14 28/20 53/8</p> <p>converted [1] 13/17</p> <p>convicted [2] 7/8 63/15</p> <p>conviction [9] 5/15 20/7 20/14 20/19 21/3 21/4 21/4 21/15 21/18</p> <p>convictions [4] 5/6 62/22 63/4 63/23</p> <p>cooperate [2] 44/3 44/4</p> <p>cooperating [1] 55/17</p> <p>cooperation [1] 52/23</p> <p>correct [11] 16/6 20/16 21/1 21/25 22/6 22/7 37/25 43/24 56/5 62/16 64/15</p> <p>correctly [4] 11/10 13/15 20/10 57/2</p> <p>corroborate [2] 26/25 27/4</p> <p>corroborated [1] 27/5</p> <p>corroborates [1] 27/25</p> <p>corroborative [1] 27/13</p> <p>could [5] 21/15 26/9 35/11 47/14 58/4</p> <p>couldn't [8] 25/21 25/23 27/14 27/14 38/1 51/16 51/17 56/12</p> <p>counsel [8] 2/9 5/22 12/25 15/19 21/21 45/10 55/18 60/17</p> <p>counsel's [1] 7/2</p> <p>counseling [1] 48/17</p> <p>count [27] 5/7 5/7 5/8 5/9 5/10 5/11 5/12 22/24 22/25 22/25 23/1 23/9 23/14 36/23 56/3 56/8 56/9 61/7 61/9 61/10 61/15 61/17 61/19 62/6 62/7 62/17 63/11</p> <p>Count 1 [5] 5/7 22/25 56/8 61/7 61/9</p> <p>Count 16 [1] 5/8</p> <p>Count 2 [4] 5/7 22/25 56/9 61/10</p> <p>Count 30 [1] 5/9</p> <p>Count 31 [3] 5/10 62/6 62/17</p> <p>Count 32 [9] 5/11 5/12 23/1 23/9 23/14 36/23 56/3 61/17 63/11</p> <p>Count Number 31 [1] 61/15</p> <p>counted [1] 20/13</p> <p>counts [9] 2/24 5/14 5/14 36/23 54/8 63/1 63/1 63/8 63/10</p> <p>Counts 1 [3] 5/14 63/1 63/1</p> <p>Counts 16 [1] 63/8</p> <p>coupe [1] 27/11</p> <p>couple [2] 30/23 59/23</p>
--	--	--

<p>C</p> <p>course [17] 3/19 4/7 10/4 29/13 29/16 29/20 33/10 33/23 49/15 50/12 52/8 52/23 53/19 58/3 60/17 61/23 63/19</p> <p>court [34] 1/1 1/24 3/5 5/2 9/12 17/20 17/23 18/11 18/14 21/1 21/10 33/3 34/4 36/16 36/22 36/23 40/25 42/5 43/11 44/2 44/2 44/22 45/4 46/19 47/18 55/15 58/17 60/2 60/9 62/25 63/1 64/7 64/13 64/21</p> <p>Court's [2] 28/5 62/20</p> <p>courthouse [2] 47/13 58/12</p> <p>courtroom [4] 1/9 39/9 41/14 45/24</p> <p>cover [1] 51/2</p> <p>CR [1] 21/18</p> <p>crack [3] 5/10 34/19 57/2</p> <p>crack cocaine [2] 5/10 34/19</p> <p>crazy [1] 46/12</p> <p>creates [1] 56/19</p> <p>credibility [1] 26/23</p> <p>credit [1] 20/25</p> <p>crime [2] 5/12 59/21</p> <p>criminal [14] 1/4 19/11 19/24 20/21 22/10 34/13 41/24 42/7 42/8 42/23 42/23 43/4 53/5 59/1</p> <p>cross [5] 5/19 17/21 26/15 38/3 47/1</p> <p>cross-examination [1] 17/21</p> <p>cross-examine [2] 26/15 38/3</p> <p>cross-issue [1] 47/1</p> <p>cross-reference [1] 5/19</p> <p>crowded [1] 34/18</p> <p>CRR [3] 1/23 64/14 64/19</p> <p>crucial [1] 31/21</p> <p>culpability [2] 33/4 60/9</p> <p>culpable [1] 24/15</p> <p>culture [2] 51/15 51/23</p> <p>current [1] 20/4</p> <p>currently [1] 54/23</p> <p>custody [1] 61/8</p> <p>customer [12] 14/14 14/17 15/1 15/3 15/4 15/7 15/8 16/2 16/19 16/20 16/24 16/25</p> <p>customers [1] 14/13</p> <p>cut [1] 39/22</p> <p>cuts [1] 12/1</p>	<p>18/9 19/21 21/2 28/14 28/20 29/3 29/10 29/15 29/19 30/16 30/20 30/24 31/3 31/5 31/7 31/21 31/22 32/1 32/2 32/7 32/9 32/11 32/12 32/13 32/16 32/22 33/11 34/8 37/21 38/13 38/20 38/21 38/23 39/4 39/18 40/1 40/10 40/16 41/15 41/23 41/25 42/20 43/1 43/14 44/9 44/13 44/25 45/7 45/20 45/23 46/1 46/25 47/19 48/5 48/24 49/6 49/15 49/23 51/1 51/11 51/25 52/13 52/18 55/4 56/7 56/10 56/22 57/3 57/7 57/17 58/22 59/22 60/25 61/7 63/15 63/22</p> <p>Davis's [11] 2/11 6/1 18/24 28/23 31/17 33/4 43/6 57/15 57/22 59/12 61/21</p> <p>day [8] 14/16 29/20 30/13 30/16 30/19 31/14 35/24 40/17</p> <p>daylight [1] 24/24</p> <p>days [7] 15/6 16/18 28/13 29/13 29/16 64/1 64/8</p> <p>deadly [1] 36/8</p> <p>deaf [1] 29/15</p> <p>deal [4] 2/22 10/6 34/14 47/4</p> <p>dealer [3] 32/3 32/8 40/21</p> <p>dealers [1] 32/17</p> <p>dealing [2] 42/23 49/3</p> <p>deals [1] 14/22</p> <p>death [2] 25/7 33/13</p> <p>decade [1] 54/3</p> <p>decades [2] 52/21 54/3</p> <p>decision [2] 52/1 62/20</p> <p>decisions [2] 54/1 54/2</p> <p>defendant [27] 1/6 1/17 6/13 6/20 7/19 7/20 7/21 8/5 24/15 25/13 25/16 27/7 27/10 27/18 28/6 28/14 33/20 34/2 35/1 35/18 36/8 36/14 49/25 50/3 55/17 60/1 63/3</p> <p>defendant's [4] 24/7 24/12 24/14 28/2</p> <p>defendants [1] 41/14</p> <p>defense [3] 4/8 7/2 60/17</p> <p>degree [11] 5/25 8/24 8/25 9/4 9/6 9/10 9/10 9/14 9/14 10/21 58/1</p> <p>demonstrated [2] 36/14 38/2</p> <p>deny [1] 4/4</p> <p>depart [1] 19/7</p> <p>departure [2] 17/12 18/17</p> <p>deserve [1] 54/19</p> <p>designated [2] 61/23 62/3</p> <p>desire [1] 48/11</p> <p>destroy [1] 57/4</p> <p>detectable [1] 62/15</p> <p>detectives [1] 53/7</p> <p>Detention [2] 51/3 59/24</p> <p>deter [2] 34/13 58/22</p> <p>determined [1] 63/2</p> <p>deterred [4] 34/3 35/5 36/15 59/8</p> <p>detering [1] 59/22</p> <p>deters [1] 50/14</p> <p>detox [4] 15/9 15/25 18/8 18/23</p> <p>did [35] 3/9 6/9 6/9 6/13</p>	<p>6/22 7/11 7/11 7/13 7/23 8/4 8/5 9/4 9/5 12/1 12/17 12/20 23/20 25/2 25/18 25/25 27/11 34/22 34/23 35/11 38/25 44/18 44/24 47/11 49/13 50/1 51/18 57/24 58/15 60/14 62/11</p> <p>didn't [19] 21/4 25/16 26/5 26/14 27/2 27/3 34/12 34/13 37/17 38/3 39/1 44/3 44/4 44/4 44/24 45/18 46/12 47/1 54/5</p> <p>died [1] 38/16</p> <p>difference [6] 24/12 38/10 38/15 38/16 39/2 57/21</p> <p>different [8] 11/15 18/5 26/24 28/25 33/19 39/21 60/12 60/13</p> <p>differently [3] 24/2 57/25 62/11</p> <p>difficult [2] 54/24 55/20</p> <p>diploma [1] 52/17</p> <p>Diplomate [1] 64/20</p> <p>direct [1] 26/2</p> <p>directed [1] 13/6</p> <p>directly [4] 6/10 29/10 29/11 43/17</p> <p>disagree [1] 12/14</p> <p>disagreement [1] 20/6</p> <p>disagrees [1] 57/17</p> <p>discussed [3] 14/10 35/13 35/14</p> <p>discussing [1] 5/6</p> <p>dismiss [1] 63/14</p> <p>dismissed [1] 63/18</p> <p>disorder [2] 46/24 47/1</p> <p>disparities [1] 49/13</p> <p>disposable [1] 41/10</p> <p>disposable razor [1] 41/10</p> <p>disproportionate [1] 44/11</p> <p>dispute [1] 5/16</p> <p>disputed [1] 56/18</p> <p>disputes [1] 19/19</p> <p>disregard [2] 50/10 50/17</p> <p>distinct [1] 39/8</p> <p>distribute [1] 5/10</p> <p>distribution [1] 34/19</p> <p>district [3] 1/1 1/1 6/16</p> <p>DIVISION [1] 1/2</p> <p>do [53] 2/5 4/22 5/15 6/3 6/5 8/10 8/20 13/19 13/25 14/3 15/13 17/13 19/10 19/11 20/22 21/1 21/17 23/24 24/3 31/19 34/3 37/7 38/13 38/25 41/17 42/24 47/11 47/15 48/11 48/17 49/22 49/23 50/20 50/22 50/23 52/2 52/6 54/8 54/24 55/24 56/5 56/23 58/7 58/23 59/13 59/18 60/3 60/11 60/23 61/21 64/2 64/4 64/14</p> <p>document [3] 3/1 15/14 16/23</p> <p>Document 1202 [1] 3/1</p> <p>does [10] 12/7 12/15 18/6 21/2 21/3 40/21 43/14 44/14 44/14 62/14</p> <p>doesn't [12] 29/10 29/11 29/18 33/3 35/22 39/18 39/22 40/21 42/9 43/23 46/1 54/19</p> <p>doing [7] 6/9 30/22 40/20 46/15 51/11 56/22 59/19</p>
<p>D</p> <p>D.G [2] 10/25 24/10</p> <p>D.J [3] 10/24 24/10 24/25</p> <p>danger [6] 35/1 35/19 41/21 47/20 47/20 49/25</p> <p>Dante [5] 43/15 43/23 49/15 49/19 49/22</p> <p>Dante Bailey [5] 43/15 43/23 49/15 49/19 49/22</p> <p>DATE [1] 64/21</p> <p>daughter [3] 47/11 47/17 52/15</p> <p>daughter's [1] 54/15</p> <p>DAVIS [95] 1/5 2/7 2/15 2/21 5/19 5/23 9/23 10/16 11/4 12/7 12/17 13/5 14/11 14/17 14/25 15/6 15/8 16/19 17/1</p>		

<p>D</p> <p>don't [46] 4/15 9/22 10/2 10/6 10/19 12/11 17/16 18/11 18/17 18/20 18/21 19/20 21/8 25/5 31/23 35/16 35/24 39/5 39/25 40/2 40/20 41/1 41/5 41/8 41/19 41/19 43/1 43/2 43/16 49/10 49/19 49/21 50/8 50/11 50/15 50/22 52/2 52/4 53/25 54/9 54/16 58/18 58/24 59/17 59/23 60/5</p> <p>done [4] 10/5 10/14 35/25 59/16</p> <p>Dontray [3] 44/1 44/1 50/1 Dontray Johnson [3] 44/1 44/1 50/1</p> <p>doors [1] 32/18</p> <p>doubt [8] 3/25 4/2 6/13 25/5 28/8 42/15 53/17 59/18</p> <p>Douglas [3] 1/23 64/14 64/19</p> <p>down [4] 30/23 33/18 35/21 37/14</p> <p>drive [2] 30/4 51/16</p> <p>driver's [1] 48/9</p> <p>drug [21] 5/12 12/24 13/17 14/13 14/14 14/17 15/7 16/2 18/1 30/5 32/3 32/8 32/13 32/17 40/21 42/23 47/5 48/16 56/9 56/20 61/11</p> <p>drug-trafficking [1] 5/12</p> <p>drugs [24] 13/2 13/11 15/2 15/4 15/7 15/8 18/2 18/4 18/9 18/24 28/18 28/19 34/14 36/9 40/16 40/17 40/23 49/3 56/17 56/24 56/25 57/3 59/8 62/7</p> <p>dub [1] 16/13</p> <p>due [1] 53/23</p> <p>dumb [2] 25/2 27/12</p> <p>during [8] 12/3 37/21 38/2 42/13 44/23 52/23 53/19 59/6</p>	<p>employee [1] 53/18</p> <p>enable [1] 48/13</p> <p>encouraging [1] 59/11</p> <p>end [5] 3/11 18/3 23/3 23/4 23/4</p> <p>endangered [1] 25/8</p> <p>ended [4] 15/9 15/25 18/7 18/7</p> <p>ending [1] 16/4</p> <p>Enemy [1] 53/5</p> <p>engaged [3] 40/10 42/22 57/7</p> <p>engaging [1] 50/14</p> <p>enhancement [4] 11/11 11/18 13/25 35/9</p> <p>enough [2] 40/3 41/20</p> <p>entails [1] 38/11</p> <p>entered [1] 21/18</p> <p>entire [1] 52/19</p> <p>entitled [2] 63/3 64/16</p> <p>equivalent [1] 19/1</p> <p>especially [1] 44/18</p> <p>Esquire [3] 1/15 1/15 1/18</p> <p>essence [1] 9/16</p> <p>essentially [8] 5/14 5/19 9/17 25/22 45/12 45/14 56/23 58/10</p> <p>et [1] 53/7</p> <p>et cetera [1] 53/7</p> <p>evade [1] 46/8</p> <p>evaluate [2] 18/21 19/3</p> <p>even [12] 6/21 10/2 18/6 20/12 33/3 35/4 35/20 35/21 40/2 42/8 44/23 53/8</p> <p>ever [2] 39/25 43/2</p> <p>every [3] 24/15 55/15 60/1</p> <p>everyone [3] 2/3 5/13 21/24</p> <p>evidence [53] 3/6 3/10 3/17 3/23 4/1 4/2 5/24 6/22 6/24 7/3 8/7 9/13 9/21 9/22 9/25 10/17 10/19 12/7 12/15 12/16 14/7 17/10 17/11 18/14 19/5 27/17 28/1 28/6 28/11 32/5 32/21 35/1 35/16 35/18 37/4 37/6 37/10 38/6 38/19 38/22 39/5 41/1 41/20 43/1 43/3 43/17 45/18 45/19 49/4 51/13 53/13 57/15 58/14</p> <p>evidentiary [1] 9/21</p> <p>exactly [4] 26/1 31/11 57/22 62/2</p> <p>examination [3] 17/20 17/21 44/23</p> <p>examine [2] 26/15 38/3</p> <p>examining [1] 37/11</p> <p>exchange [1] 16/17</p> <p>exchanged [1] 29/20</p> <p>exchanges [1] 16/24</p> <p>exchanging [1] 30/13</p> <p>exerted [1] 46/10</p> <p>exhibit [4] 15/11 21/18 21/23 30/17</p> <p>Exhibit CR-2 [1] 21/18</p> <p>existed [1] 27/14</p> <p>expect [1] 37/17</p> <p>expected [1] 25/7</p> <p>experience [2] 18/1 25/12</p> <p>explain [1] 55/24</p> <p>explicitly [3] 35/13 35/13 62/25</p>	<p>extent [6] 19/3 19/5 25/19 39/15 40/13 56/18</p> <p>extremely [8] 34/3 36/4 46/22 56/6 57/1 57/5 58/3 58/14</p> <p>eyes [1] 54/7</p> <p>F</p> <p>face [3] 20/13 35/15 35/15</p> <p>faces [2] 7/6 7/7</p> <p>facilities [1] 48/7</p> <p>facility [4] 51/3 54/25 59/24 61/24</p> <p>facing [2] 34/13 35/21</p> <p>fact [21] 4/22 6/24 9/9 11/6 12/2 12/19 18/3 26/9 29/12 30/10 30/12 34/16 38/23 38/24 39/16 40/10 40/14 44/16 47/20 51/2 51/23</p> <p>factor [6] 22/17 56/4 57/5 60/5 61/5 63/6</p> <p>factors [3] 23/22 36/11 50/4</p> <p>facts [6] 4/23 7/12 14/23 23/19 35/10 49/24</p> <p>factual [1] 26/7</p> <p>failed [2] 54/8 62/12</p> <p>fair [4] 49/10 49/21 50/8 53/23</p> <p>faith [3] 40/25 41/12 60/18</p> <p>fall [1] 7/8</p> <p>falling [1] 29/15</p> <p>false [1] 53/3</p> <p>familiar [1] 8/18</p> <p>families [1] 57/4</p> <p>family [11] 29/6 45/24 46/13 46/14 46/15 51/17 54/13 59/12 59/15 59/16 59/17</p> <p>far [5] 19/12 53/25 56/8 59/3 59/11</p> <p>father [4] 46/12 47/11 52/14 54/19</p> <p>FCRR [3] 1/23 64/14 64/19</p> <p>February [3] 34/17 42/3 51/3</p> <p>February 24th [2] 42/3 51/3</p> <p>federal [5] 1/24 35/20 40/14 53/24 64/21</p> <p>feds [1] 34/10</p> <p>feel [1] 53/21</p> <p>feeling [1] 39/8</p> <p>fellow [1] 24/19</p> <p>few [2] 28/13 48/22</p> <p>field [3] 25/24 26/4 26/10</p> <p>fields [2] 26/3 26/11</p> <p>file [2] 64/4 64/7</p> <p>filing [3] 63/25 64/5 64/8</p> <p>final [3] 35/24 52/1 62/19</p> <p>finally [3] 22/9 27/16 34/16</p> <p>financial [1] 61/21</p> <p>find [7] 6/10 9/9 10/19 18/10 28/5 58/13 62/25</p> <p>finding [9] 7/5 9/18 10/20 12/17 17/23 18/15 18/17 19/12 20/1</p> <p>findings [1] 22/14</p> <p>fine [2] 21/23 61/22</p> <p>finger [1] 37/14</p> <p>fire [5] 15/1 16/20 16/21 17/3 30/9</p> <p>firearm [2] 5/9 5/9</p> <p>firearms [5] 13/4 13/23 28/2</p>
<p>E</p> <p>e-mail [3] 45/9 50/20 50/21</p> <p>each [2] 26/25 61/19</p> <p>earlier [2] 16/23 57/14</p> <p>ears [1] 29/15</p> <p>easily [1] 58/4</p> <p>easy [2] 38/25 51/4</p> <p>echelons [1] 44/10</p> <p>education [1] 47/8</p> <p>educational [1] 51/6</p> <p>effect [1] 53/15</p> <p>effort [1] 46/9</p> <p>eight [1] 52/23</p> <p>eight-week [1] 52/23</p> <p>either [8] 8/19 8/23 13/5 38/24 42/24 48/8 49/17 50/9</p> <p>elaborate [1] 30/10</p> <p>elders [2] 39/9 49/1</p> <p>electrical [1] 48/9</p> <p>electrician [1] 55/2</p> <p>electrician's [1] 48/10</p> <p>elicited [1] 34/20</p> <p>eligible [1] 62/1</p> <p>Ellis [1] 26/8</p> <p>else [4] 31/25 55/5 62/18 63/13</p> <p>emphasis [1] 40/10</p>		

F firearms... [2] 33/15 61/12 fired [1] 24/22 first [18] 2/22 5/14 5/16 5/25 6/17 8/24 9/4 9/10 9/14 10/21 24/9 25/25 26/5 28/12 29/3 34/5 56/8 58/1 first-degree [1] 58/1 first-degree murder [6] 5/25 8/24 9/4 9/10 9/14 10/21 five [7] 5/14 20/20 23/3 36/6 36/24 49/18 63/11 five-year [1] 36/24 flaunting [1] 33/15 fled [2] 34/8 34/8 floor [2] 1/24 32/19 focus [1] 23/22 folks [1] 57/23 follow [1] 37/22 followed [1] 63/10 force [1] 34/22 forced [1] 51/19 foregoing [1] 64/15 forensic [2] 38/19 38/22 foreseeability [5] 8/21 9/13 9/24 28/21 39/20 foreseeable [13] 5/23 6/6 6/8 6/12 6/20 8/14 9/5 10/15 28/9 32/22 32/25 33/11 57/3 Forest [2] 42/11 52/20 Forest Park [1] 52/20 Forest Park Avenue [1] 42/11 formed [1] 24/17 forth [8] 4/25 16/7 17/11 19/24 29/13 29/16 38/17 41/3 fortunately [1] 11/7 forward [1] 3/17 found [19] 6/6 6/7 6/12 6/19 8/6 8/13 8/22 14/18 25/17 29/24 38/21 39/20 41/2 41/6 41/10 56/17 57/1 57/11 58/10 foundation [1] 17/22 Fourth [2] 6/10 63/2 Fourth Circuit [2] 6/10 63/2 FR [1] 31/5 frankly [11] 3/4 17/25 18/25 37/16 37/20 37/24 39/10 39/21 42/14 51/13 56/12 Frazier [25] 27/10 28/15 28/16 28/23 29/4 29/5 29/14 29/19 29/23 30/11 30/15 30/20 30/21 30/23 31/3 31/7 31/9 31/16 31/20 31/21 32/6 32/8 32/11 39/5 39/17 Frazier's [3] 28/24 30/3 43/7 free [1] 56/10 free-choice [1] 56/10 Friday [1] 1/8 friend [1] 27/23 friends [4] 27/20 39/5 39/14 59/17 FRL [1] 31/9 front [4] 6/18 8/1 39/9 59/3 Frye [1] 45/6 fugitive [7] 34/5 34/9 34/10 34/12 35/4 40/11 59/7 full [1] 35/20 fully [1] 53/25	further [2] 5/22 21/8 furtherance [5] 5/12 6/20 28/9 33/24 56/20 Furthermore [1] 26/6 G G35 [1] 27/11 gang [11] 24/19 33/5 33/6 33/20 33/24 36/5 40/22 42/24 42/25 49/1 51/20 gang's [1] 33/12 gap [1] 40/7 Garner [3] 1/20 20/24 21/11 gas [2] 26/8 26/10 gave [1] 8/24 general [2] 3/16 9/21 generally [2] 26/22 56/21 Gerald [1] 9/7 get [19] 19/10 22/21 27/23 30/5 30/24 31/3 37/1 46/23 47/4 47/5 47/8 47/8 47/8 48/8 48/12 48/19 51/6 53/25 54/18 gets [5] 15/6 24/8 32/14 33/16 36/4 getting [3] 29/17 31/13 31/14 GGs [1] 30/22 give [5] 10/6 20/23 22/10 31/10 55/9 given [6] 30/10 36/14 44/19 46/9 46/25 48/18 gives [2] 27/17 46/23 Glock [1] 57/12 go [7] 18/8 41/16 45/21 47/14 54/19 54/20 54/25 goal [1] 47/10 goes [7] 33/4 33/15 39/6 40/20 44/20 48/12 58/21 going [20] 12/5 17/25 23/19 23/19 27/2 27/3 29/12 29/18 32/2 34/2 37/4 38/13 44/18 45/23 52/3 55/8 55/24 60/15 61/7 62/2 good [12] 2/3 2/13 2/14 30/20 31/8 40/19 48/18 52/12 57/24 59/16 60/18 60/18 got [9] 16/4 16/7 24/20 30/24 31/3 31/10 41/6 42/19 46/6 gotta [1] 30/21 gotten [1] 37/23 Government [37] 3/14 4/14 6/2 6/12 6/22 7/17 11/10 13/10 17/11 17/18 20/9 20/16 21/14 37/3 38/7 38/17 41/23 43/9 43/11 45/4 45/8 45/17 45/19 47/23 50/6 50/14 51/10 53/2 53/10 53/15 54/7 54/11 57/14 60/16 60/23 62/21 62/22 Government's [10] 3/10 4/7 13/13 15/11 17/23 21/7 30/17 41/3 42/21 44/19 Government's Exhibit [2] 15/11 30/17 grab [2] 29/6 29/18 gradation [1] 8/25 grams [1] 57/2 graze [1] 12/1 grazed [1] 24/25 great [3] 10/6 40/9 47/4 greater [2] 61/3 63/12	green [2] 16/13 17/2 greeted [1] 49/9 grew [5] 39/13 42/10 43/7 43/8 59/14 gross [1] 44/14 grounds [3] 17/13 18/13 37/6 group [10] 5/15 12/24 19/13 19/13 19/16 39/12 42/17 44/10 46/9 51/14 Group 2 [1] 19/13 Group 3 [1] 19/13 Group 4 [2] 12/24 19/16 grouping [2] 21/25 22/4 groups [5] 10/23 10/24 11/1 12/21 22/25 growing [1] 59/13 guess [2] 20/16 21/5 guideline [14] 6/5 6/11 7/12 8/12 11/21 14/8 14/22 19/2 19/11 19/18 22/17 23/10 35/8 61/5 guidelines [18] 3/23 4/12 4/21 5/13 13/20 20/10 22/22 22/24 23/2 24/1 24/3 24/11 33/4 43/10 56/1 60/22 61/4 63/6 guilt [1] 54/7 guilty [8] 6/14 8/7 44/1 44/2 44/5 50/1 50/3 55/15 gun [9] 5/11 13/14 20/7 20/7 24/18 34/25 59/5 59/5 59/8 gun-related [1] 20/7 guns [4] 29/7 29/8 29/18 56/18 H had [35] 4/18 11/15 14/15 14/15 14/18 14/25 15/1 15/3 15/3 17/19 21/3 24/18 26/19 27/10 28/18 28/18 29/5 34/17 38/23 39/11 40/2 41/7 41/15 42/24 45/5 45/6 45/19 45/19 51/14 53/15 54/20 59/5 59/9 59/13 63/9 hadn't [1] 59/8 half [1] 31/18 hand [5] 7/25 10/23 31/1 58/3 59/2 handgun [3] 20/2 20/8 20/18 Handing [1] 15/20 hands [1] 12/1 hanging [1] 25/13 happened [2] 7/4 29/4 happily [1] 49/6 happy [2] 15/18 22/18 hard [3] 20/25 59/13 60/11 hardened [3] 41/23 42/6 59/1 harm [1] 41/11 has [41] 4/18 8/21 8/22 10/2 10/5 10/14 14/23 16/19 17/11 17/18 20/6 20/9 21/14 24/2 25/17 31/21 36/13 36/14 37/3 42/21 45/24 46/6 46/19 47/4 47/5 47/7 47/19 47/24 51/1 51/2 51/10 52/18 54/20 55/22 56/23 58/1 59/4 59/16 59/18 59/19 60/24 hasn't [1] 45/20 hate [1] 20/23
--	--	---

<p>H</p> <p>have [73] 2/21 3/25 4/6 4/7 4/8 4/10 5/6 10/8 14/16 15/13 16/13 17/16 18/11 18/20 18/21 19/4 19/6 19/10 19/11 20/2 20/20 21/17 22/8 22/9 22/17 25/11 25/23 26/20 27/9 27/14 27/15 28/12 28/22 29/3 29/16 32/7 35/14 35/16 35/25 38/1 38/20 38/21 39/24 41/1 41/19 42/1 42/10 43/1 43/3 44/7 44/18 46/12 47/3 50/20 52/2 52/3 52/4 52/6 54/3 54/7 54/16 55/25 57/17 58/5 58/10 59/2 59/15 60/2 60/9 60/18 62/4 63/5 63/23</p> <p>haven't [1] 18/19</p> <p>having [5] 10/7 18/1 18/8 27/22 53/21</p> <p>Hazlehurst [27] 1/18 2/15 3/3 4/16 8/17 12/4 13/20 17/5 18/16 20/22 25/21 25/22 26/6 26/13 26/14 27/16 29/9 35/8 36/20 48/2 50/18 51/19 54/20 57/20 63/20 63/25 64/5</p> <p>Hazlehurst's [3] 23/23 25/16 58/23</p> <p>he [170] 7/6 7/7 7/8 7/11 7/13 7/22 8/6 10/8 10/20 12/8 14/15 14/18 15/1 16/19 18/21 20/20 21/3 21/4 24/17 24/20 24/22 25/2 25/5 25/8 25/18 25/23 26/1 26/2 26/2 26/2 26/3 26/3 26/4 26/4 26/4 26/5 26/5 26/15 26/16 26/19 26/22 27/7 27/10 27/11 27/23 28/12 28/13 28/16 28/18 28/18 29/4 29/5 29/11 29/17 30/20 32/8 32/12 32/13 32/14 32/14 32/16 32/18 33/6 33/14 33/22 33/23 34/5 34/8 34/8 34/9 34/12 34/12 34/12 34/13 34/13 34/14 34/14 34/16 34/17 34/17 34/24 35/22 35/23 35/25 35/25 36/15 37/14 37/18 38/1 38/1 38/4 38/24 40/2 40/11 41/17 41/21 42/1 42/3 42/4 43/7 43/8 44/3 44/3 44/5 44/18 44/18 45/18 46/3 46/6 46/7 46/11 46/11 46/13 46/14 46/15 47/2 47/4 47/5 47/7 47/20 47/24 48/8 48/12 48/12 48/13 48/18 48/19 48/25 49/2 49/3 49/9 49/11 49/20 51/2 51/11 51/15 51/16 51/17 51/19 56/11 56/16 56/17 56/23 57/8 57/11 57/22 57/24 58/11 58/15 58/16 58/19 58/25 58/25 59/4 59/5 59/6 59/7 59/10 59/13 59/14 59/15 59/16 59/17 59/18 59/19 60/14 61/23 62/1 62/3 63/15</p> <p>he's [22] 27/19 27/20 27/22 27/23 29/17 30/2 30/7 30/7 31/22 31/23 32/1 32/1 32/3 33/18 33/18 34/10 34/11 35/4 35/21 46/15 58/24 59/24</p> <p>hear [3] 10/5 17/16 22/18</p> <p>heard [3] 14/3 20/22 42/12</p>	<p>hearing [1] 17/8</p> <p>hearsay [1] 17/8</p> <p>heavy [1] 26/12</p> <p>heinous [1] 33/8</p> <p>held [3] 51/24 53/8 54/8</p> <p>Hell [1] 30/21</p> <p>help [4] 21/24 29/23 46/15 55/1</p> <p>helped [2] 32/8 47/4</p> <p>her [7] 20/25 20/25 38/6 54/16 54/16 54/17 54/19</p> <p>here [15] 2/9 2/10 2/20 6/21 7/16 11/25 15/13 16/12 18/20 19/24 20/14 21/25 45/25 56/25 60/11</p> <p>hereby [1] 64/14</p> <p>heroin [5] 16/21 17/1 17/3 17/4 57/2</p> <p>high [2] 23/4 52/17</p> <p>highly [2] 27/13 53/11</p> <p>him [28] 2/23 9/25 26/16 26/19 28/9 30/1 30/1 30/5 32/4 34/4 34/13 34/23 34/24 34/24 35/21 36/16 41/17 41/18 45/1 46/2 46/8 46/17 46/20 47/4 47/9 47/10 47/11 48/13</p> <p>himself [6] 33/23 36/8 43/19 44/6 49/17 56/17</p> <p>his [64] 7/9 7/11 20/19 24/14 24/15 24/18 24/20 24/25 25/6 25/6 25/24 26/16 27/8 27/10 27/19 27/20 27/24 29/9 29/25 30/5 32/4 32/16 32/24 33/4 33/14 33/17 34/5 34/9 34/10 34/12 34/17 34/18 34/19 34/25 35/23 37/14 41/15 41/16 42/8 44/14 44/15 44/17 45/24 46/6 46/12 46/17 46/23 47/11 47/11 47/16 48/11 49/6 51/17 56/12 58/4 58/9 58/10 58/20 59/14 59/15 59/16 59/17 59/17 60/25</p> <p>history [5] 19/11 19/24 20/21 22/10 42/8</p> <p>Hoffman [9] 1/15 2/8 14/4 23/10 36/19 38/5 40/9 45/12 48/21</p> <p>hold [2] 51/7 52/4</p> <p>holding [1] 5/19</p> <p>holes [1] 26/22</p> <p>holla [1] 30/21</p> <p>home [2] 29/25 54/18</p> <p>homicide [7] 9/1 9/24 9/25 10/1 39/8 39/16 39/19</p> <p>homicides [2] 43/18 43/19</p> <p>honest [1] 53/21</p> <p>honestly [4] 37/16 45/16 46/3 48/11</p> <p>Honor [73] 2/14 2/19 3/4 3/19 4/20 4/24 6/3 8/18 9/2 9/8 9/11 9/16 9/20 11/14 12/5 12/10 13/21 15/15 17/6 17/7 17/13 17/24 17/25 18/13 19/22 20/23 21/2 22/6 22/15 22/21 23/1 23/18 23/20 23/24 24/2 25/17 29/1 31/1 36/21 36/22 37/4 37/9 37/20 38/12 39/4 39/8 39/21 40/5 40/9 40/13 40/24 41/13 41/22 44/20 45/2 45/16 45/22 47/18 48/1 48/5</p>	<p>48/16 50/5 50/10 50/16 50/19 51/1 51/9 51/13 51/21 52/10 55/6 62/6 63/21</p> <p>HONORABLE [1] 1/11</p> <p>hope [1] 59/10</p> <p>hopefully [2] 48/14 48/19</p> <p>hospital [4] 12/2 14/18 15/9 15/25</p> <p>hospitalization [3] 11/24 12/20 19/1</p> <p>hour [1] 31/18</p> <p>hours [3] 46/2 46/2 46/2</p> <p>housed [1] 54/23</p> <p>how [8] 16/1 27/20 28/16 34/10 41/7 56/23 62/8 64/4</p> <p>However [2] 8/6 49/19</p> <p>huge [6] 38/15 38/16 41/12 43/17 46/18 46/18</p> <p>human [2] 53/4 54/1</p> <p>hunting [1] 33/18</p> <p>hurt [2] 35/22 36/1</p> <p>Hurt [7] 6/17 6/22 6/25 7/3 7/14 8/11 8/19</p> <p>Hurt's [1] 7/15</p> <p>HVAC [1] 55/1</p> <p>hypothetical [1] 21/6</p> <hr/> <p>I</p> <p>I'd [2] 9/16 23/22</p> <p>I'll [8] 4/12 5/21 11/2 15/10 16/13 22/12 31/1 55/8</p> <p>I'm [39] 2/8 3/21 5/17 5/24 6/2 12/5 14/20 14/20 15/9 15/18 15/25 16/6 16/12 19/16 20/7 21/13 21/25 22/18 22/19 23/19 29/5 29/18 31/7 38/13 52/14 52/16 52/18 53/11 53/25 54/9 54/23 55/8 55/24 59/16 59/18 60/15 61/2 62/8 63/25</p> <p>I've [6] 12/16 47/12 54/14 55/20 59/6 59/25</p> <p>i.e [1] 7/7</p> <p>idea [2] 39/24 45/17</p> <p>identified [1] 19/13</p> <p>identity [1] 43/21</p> <p>ignore [3] 44/14 44/15 59/23</p> <p>ignores [3] 27/17 29/12 44/15</p> <p>II [1] 20/21</p> <p>III [3] 20/21 22/10 42/9</p> <p>immediately [1] 34/24</p> <p>importance [1] 36/12</p> <p>important [11] 26/25 27/6 28/10 33/1 34/3 35/7 37/8 50/25 56/15 57/5 60/8</p> <p>importantly [1] 24/5</p> <p>impose [3] 36/23 46/19 47/18</p> <p>imposed [1] 63/2</p> <p>imposing [3] 36/17 61/20 63/1</p> <p>impossible [1] 53/23</p> <p>imprisoned [1] 48/6</p> <p>imprisonment [1] 23/25</p> <p>incarcerated [2] 54/3 54/14</p> <p>inch [1] 41/9</p> <p>inches [1] 25/4</p> <p>incident [4] 11/3 11/18 35/6 35/12</p> <p>include [1] 55/16</p> <p>includes [1] 11/23</p> <p>including [2] 4/9 57/9</p>
--	--	--

I		
incorporates [1] 3/5	involved [9] 20/2 28/6 29/22	33/17 33/19 34/3 34/4 34/13
incorrectly [1] 13/17	30/12 33/22 39/16 39/18 56/16	34/20 35/3 35/4 35/12 35/14
increase [2] 13/3 13/5	56/17	35/18 36/4 37/16 37/25 38/13
increases [1] 13/14	involvement [3] 32/24 39/20	38/25 38/25 39/4 39/8 39/22
incredible [1] 46/7	40/22	39/25 39/25 40/1 40/8 40/21
incredibly [1] 33/8	involves [1] 40/18	40/22 41/13 42/1 42/8 42/15
inculcated [1] 46/11	involving [2] 13/4 59/4	42/16 42/24 43/14 43/24 44/9
inculcation [1] 51/15	is [223] 2/6 2/9 2/15 3/1 3/2	44/11 44/14 44/14 44/16 44/18
independent [1] 63/2	3/14 5/8 5/11 5/16 5/24 6/4	44/20 44/24 44/25 44/25 45/9
independently [1] 28/1	6/17 7/5 7/25 8/2 8/9 8/11	45/16 45/19 45/20 45/20 45/20
indicate [3] 9/13 39/18 40/22	8/14 9/2 9/3 9/15 10/9 10/12	46/23 46/24 46/25 47/1 47/3
indicated [4] 20/9 23/8 37/19	10/14 10/18 11/2 11/10 11/11	47/13 47/14 47/15 49/1 49/2
57/14	11/13 11/14 11/15 13/15 14/8	49/11 50/1 50/14 50/22 50/24
indicates [1] 40/22	14/20 15/1 15/14 15/24 16/1	51/22 51/22 51/23 52/4 53/22
indicating [3] 37/15 41/14	16/15 16/17 16/21 16/22 16/25	54/4 54/6 54/22 55/15 55/21
45/25	17/2 17/3 17/3 17/8 17/11	55/22 56/12 57/11 58/4 58/14
indication [1] 8/22	17/14 17/24 18/14 18/24 19/1	58/19 60/8 60/19 62/10 62/14
indicia [1] 17/14	19/7 19/12 19/25 19/25 20/3	62/15 63/5 64/1 64/7
indicted [1] 34/7	20/3 20/7 20/13 20/16 21/8	it's [55] 3/1 3/9 9/16 9/17
indictment [5] 34/8 40/11	22/5 22/17 23/1 23/2 23/8	10/4 10/11 12/9 16/2 17/19
63/15 63/16 63/17	23/25 24/7 24/15 25/25 26/6	19/3 21/22 23/13 23/25 24/3
indisputable [1] 49/16	27/2 27/6 27/11 28/1 28/8	24/4 24/5 26/24 29/14 29/15
individual [3] 18/23 52/24	28/10 28/20 29/14 29/21 30/6	31/11 31/11 31/20 31/20 32/24
60/25	30/10 30/14 31/2 31/3 31/4	34/25 35/3 35/4 35/6 36/4
individually [1] 13/5	31/5 31/13 31/14 31/14 31/17	36/10 36/10 37/5 40/3 40/18
individuals [6] 11/5 12/18	31/19 31/21 32/3 32/6 33/1	40/19 43/24 43/25 44/21 47/12
25/3 33/24 53/19 57/19	33/13 34/2 34/2 34/3 34/5	47/12 49/10 49/21 50/11 50/22
inescapable [1] 45/1	34/25 35/3 35/6 35/9 35/14	50/23 54/24 56/13 56/22 57/8
Infiniti [2] 27/8 27/11	35/18 35/24 36/3 36/12 36/17	58/3 58/5 58/24 59/25 60/5
inflicting [1] 41/11	37/1 37/22 38/4 38/9 38/15	60/11
influence [1] 44/25	38/16 38/17 38/17 39/2 39/4	its [5] 20/13 33/6 33/20
information [3] 19/6 30/3	39/21 40/3 40/23 41/4 41/11	41/22 45/18
50/11	41/13 41/19 41/20 41/21 41/21	
informed [1] 15/13	41/25 42/1 42/5 42/10 42/11	J
initial [1] 11/16	42/14 42/17 42/23 43/6 43/6	J5 [1] 32/11
initiation [1] 43/2	43/7 43/7 43/9 43/14 44/6	jail [10] 27/5 27/9 27/14
injured [2] 11/7 58/5	44/13 45/13 45/24 46/3 46/18	27/20 32/10 32/12 32/12 35/12
injuries [1] 12/3	46/21 47/10 47/16 47/22 47/23	46/17 49/8
injury [14] 11/12 11/22 11/23	47/23 48/5 48/8 48/11 48/13	jail call [4] 27/5 27/9 27/14
12/11 12/13 12/19 13/11 14/9	48/18 48/18 48/24 49/5 49/7	32/10
17/13 19/2 19/3 19/5 19/8	49/15 49/16 49/22 49/23 50/1	jail calls [3] 27/20 35/12
19/15	50/2 50/5 50/20 50/25 51/4	49/8
innocence [1] 54/5	51/4 51/6 51/9 51/13 51/15	January [1] 45/9
innocent [1] 43/20	51/25 52/13 54/10 54/12 54/18	January 31st [1] 45/9
Instagram [2] 33/14 49/6	55/15 55/17 55/17 55/20 56/6	Jimmy [2] 29/6 29/7
instance [1] 12/16	56/8 56/15 57/6 57/20 58/7	Jimmy Macks [2] 29/6 29/7
instant [1] 20/15	58/19 58/25 59/2 59/11 59/12	JKB [4] 6/18 8/3 9/2 9/8
instant offense [1] 20/15	60/8 60/12 60/13 60/19 60/22	JKB-14-0479 [2] 6/18 9/2
institutional [1] 60/3	61/2 61/5 61/7 61/8 61/10	JKB-16 [1] 9/8
insufficient [4] 12/7 17/12	61/13 61/14 61/15 61/19 62/3	JKB-16-0363 [1] 8/3
18/14 53/13	62/7 62/8 62/14 63/1 64/15	job [2] 47/8 51/7
intelligence [2] 46/4 59/18	isn't [5] 24/12 26/16 36/2	Johnson [19] 5/20 6/7 9/7
intended [2] 19/4 25/5	40/8 54/23	10/1 10/18 10/21 28/4 28/17
intent [4] 5/10 24/14 24/17	issue [4] 6/11 8/21 47/1 47/6	28/18 29/25 31/18 31/22 32/22
58/4	issued [1] 60/10	39/7 44/1 44/1 50/1 50/5
interested [1] 48/8	issues [8] 3/22 3/23 4/12	60/13
interesting [1] 10/5	4/13 4/22 4/23 19/11 62/24	JUDGE [11] 1/11 6/18 7/5 7/11
interpret [1] 10/20	issues/concerns/objections [1]	7/18 8/2 8/5 8/6 8/10 10/5
interpreting [2] 6/5 11/10	4/13	52/12
intersection [5] 24/23 25/9	it [139] 4/17 6/5 6/18 7/11	Judge Bredar [8] 6/18 7/5
25/10 26/17 42/12	8/13 8/22 8/23 9/18 9/18 10/6	7/11 7/18 8/2 8/5 8/6 10/5
intervention [3] 11/24 12/2	10/18 11/1 11/8 12/21 13/3	Judge Bredar's [1] 8/10
12/19	13/24 14/12 14/18 14/20 15/9	judgment [5] 2/25 3/10 4/5
introduced [1] 15/12	15/13 15/25 16/14 16/22 19/4	53/9 59/11
introducing [1] 52/10	19/7 20/9 20/12 21/18 22/2	jumped [1] 43/2
invaded [2] 42/14 42/15	24/8 25/2 25/3 25/9 25/11	jurors [1] 53/10
investigate [1] 35/11	25/19 26/17 27/25 28/1 28/8	jury [15] 2/23 6/6 6/11 6/19
	29/2 29/12 29/23 30/18 32/23	8/3 8/12 9/4 9/9 9/13 10/14
	32/23 33/3 33/4 33/12 33/14	34/21 39/20 53/22 56/17 57/1

J	45/18	lyrics [1] 32/16
jury's [7] 3/18 4/1 8/22	leaps [1] 38/5	M
10/20 12/25 24/4 56/14	learn [1] 59/10	M signs [1] 49/7
just [47] 5/21 7/23 9/20 10/2	least [10] 8/21 11/6 18/1	M's [1] 51/12
10/11 11/20 13/12 14/16 14/18	20/18 20/24 24/22 44/3 44/23	ma'am [1] 55/3
15/7 22/17 22/22 23/13 23/24	57/2 58/13	Macks [2] 29/6 29/7
26/6 30/22 32/3 35/24 36/2	led [1] 7/16	made [17] 12/9 12/9 15/4 15/9
36/15 37/2 40/22 41/7 42/17	left [3] 30/7 30/22 62/4	15/24 25/15 27/15 37/3 37/7
43/13 43/23 43/25 44/9 44/11	legal [2] 21/6 62/4	40/15 45/6 47/13 53/4 54/1
48/3 48/22 49/10 49/14 50/10	lengthy [1] 61/2	54/2 54/10 55/25
50/16 50/19 51/2 51/5 51/10	leniency [1] 53/20	Mafia [1] 49/7
51/23 52/22 54/13 56/4 56/7	Lenity [2] 9/17 10/11	mail [3] 45/9 50/20 50/21
62/15 62/19 64/7	let [4] 4/6 13/12 48/3 53/1	major [1] 53/15
justice [7] 11/11 13/9 13/25	let's [2] 5/5 19/10	make [20] 3/9 10/22 12/12
35/9 35/17 35/20 58/8	letter [8] 3/5 4/25 5/1 21/10	13/10 17/20 17/23 18/14 18/17
juvenile [2] 20/1 59/4	21/10 21/10 42/18 44/22	21/5 32/18 42/19 43/24 45/18
	letters [2] 4/9 45/25	48/13 52/1 53/4 53/8 54/15
K	level [20] 5/17 5/18 5/25	56/25 63/5
keep [2] 46/20 52/24	10/14 10/22 11/8 11/21 12/18	makes [2] 38/5 53/22
kickin' [1] 32/18	12/22 13/1 13/13 13/16 14/6	making [3] 3/7 21/5 40/7
kiddie [1] 39/10	19/14 19/18 22/1 22/8 22/9	Malcolm [1] 37/9
kidnap [1] 28/17	43/23 46/9	mall [1] 34/18
kill [8] 12/17 24/17 25/3	Level 43 [2] 5/18 5/25	man [5] 30/2 43/22 44/6 46/3
25/6 32/4 38/24 57/3 57/24	levels [3] 11/12 11/20 22/2	47/16
killed [2] 11/7 58/5	license [1] 48/9	mandated [1] 36/25
kilo [1] 57/2	life [20] 7/7 7/14 8/5 18/2	mandatory [1] 23/13
kind [3] 35/13 50/14 58/19	23/25 36/17 43/9 44/13 45/21	Manisha [1] 1/20
knew [6] 34/8 34/12 34/13	46/17 49/20 49/20 49/23 52/19	Manisha Garner [1] 1/20
41/17 45/20 56/23	54/2 54/3 54/15 58/2 60/23	manner [1] 52/11
know [36] 8/20 10/6 16/2	62/14	many [8] 3/6 29/13 29/16 36/5
24/17 24/20 24/22 24/25 25/17	lifestyle [1] 46/8	36/9 39/11 44/17 47/13
27/2 27/3 29/7 31/9 31/23	lifetime [1] 52/16	map [1] 37/13
32/5 32/10 33/10 33/12 33/14	light [2] 30/8 62/20	marijuana [5] 17/1 17/2 20/5
33/17 33/19 38/19 39/25 40/2	Light Rail [1] 30/8	47/2 47/2
41/5 41/8 48/25 49/20 51/24	like [16] 3/2 5/22 6/21 15/15	mark [4] 9/3 9/4 9/5 30/20
53/8 54/12 56/1 57/3 57/22	22/18 23/16 23/22 31/10 37/2	Marquise [1] 8/2
58/15 58/18 59/5	38/21 43/25 46/12 52/1 52/6	marshal [1] 41/18
knowing [4] 33/6 33/7 33/20	52/10 53/5	marshal's [1] 34/22
33/21	likely [1] 13/3	marshals [1] 34/22
knowingly [1] 19/4	limited [1] 59/14	MARYLAND [3] 1/1 1/9 1/25
knowledge [3] 44/3 53/24	line [1] 7/18	mask [1] 57/13
53/24	links [1] 38/20	matter [7] 10/12 12/15 25/3
known [2] 27/14 41/15	listen [2] 11/2 42/17	26/7 38/9 51/22 64/17
knows [5] 36/22 44/2 45/4	literally [1] 25/3	matters [2] 33/3 58/9
46/15 50/5	little [6] 11/15 19/24 37/17	mature [1] 59/10
	37/18 56/13 60/11	max [2] 62/6 62/8
L	lived [2] 42/13 51/17	maxims [1] 37/22
labeled [1] 41/23	lives [1] 25/8	maximum [1] 61/13
lack [5] 17/22 51/6 51/7	living [1] 48/13	may [12] 3/22 6/16 7/8 10/8
53/23 53/24	lo [1] 27/9	11/3 21/1 22/2 38/20 38/21
Lafler [1] 45/6	loaded [4] 34/17 34/18 57/9	59/10 61/5 64/21
language [2] 11/21 32/13	59/7	May 30th [1] 11/3
large [1] 54/15	lockup [1] 58/18	maybe [3] 23/12 46/6 46/6
Lashley [11] 25/21 25/23	logo [1] 27/23	McCants [2] 8/2 8/19
25/25 26/15 26/19 27/2 27/3	Lombard [1] 1/24	me [40] 2/9 4/6 5/24 6/2 11/1
28/14 37/11 37/12 38/1	long [6] 14/13 34/4 36/17	11/8 12/21 13/3 13/12 16/6
Lashley's [2] 28/12 37/9	41/7 45/23 46/22	19/2 20/9 21/8 21/24 21/25
last [3] 20/15 45/22 51/9	look [4] 10/7 15/18 53/4 59/2	32/18 45/12 45/16 48/3 51/1
late [1] 58/20	lookin' [1] 31/8	51/13 52/19 53/1 53/2 53/4
later [3] 11/19 15/6 22/13	looking [5] 5/17 14/20 15/10	53/8 53/8 53/16 53/25 54/1
Lauren [2] 1/15 2/9	37/12 45/14	54/3 54/4 54/5 54/8 54/13
Lauren Perry [2] 1/15 2/9	lost [1] 14/16	55/1 56/15 58/15 59/3 62/4
law [5] 6/5 10/9 36/17 53/24	lot [6] 28/18 33/10 33/19	mean [5] 20/20 34/25 43/16
57/25	36/13 44/22 55/21	49/5 54/9
lawyer [1] 54/4	loved [1] 54/13	media [2] 27/22 44/21
Laying [1] 32/19	low [1] 23/4	medical [3] 11/24 12/2 12/19
leading [2] 15/22 30/13	lowering [1] 60/6	medication [1] 46/25
leap [4] 40/7 40/25 41/12	luck [1] 25/2	meet [1] 15/4
	luckily [1] 11/25	

<p>M</p> <p>meetings [2] 35/15 49/8 Melvin [1] 28/14 Melvin Lashley [1] 28/14 member [1] 24/19 members [3] 33/6 33/20 34/22 memo [8] 11/16 14/10 14/21 15/18 23/23 25/16 29/9 30/18 memorandum [3] 4/8 4/9 41/4 memos [2] 22/20 23/21 menace [1] 53/11 mental [2] 24/14 33/4 mentioned [5] 7/20 23/2 23/21 59/6 63/22 mentioning [1] 23/6 mere [1] 39/16 merely [2] 45/17 53/22 message [6] 15/6 15/24 17/15 18/6 29/10 29/11 messages [13] 14/12 15/16 15/22 16/6 16/25 18/18 28/22 29/12 29/17 30/23 33/17 34/9 39/17 might [5] 4/11 19/4 20/12 59/15 62/1 Mill [2] 42/12 52/21 mind [3] 38/23 47/7 57/22 minute [1] 55/8 minutes [1] 16/10 miscalculated [1] 63/6 miscalculation [1] 44/14 missed [1] 54/15 mistaken [1] 43/20 mitigating [1] 7/16 MMP [7] 39/9 42/16 44/16 44/24 48/25 56/11 56/20 mob [3] 33/16 49/8 49/8 mobbing [1] 49/9 moment [1] 32/2 money [3] 31/2 31/4 31/14 monogamous [1] 18/3 month [1] 61/18 months [9] 22/11 23/4 23/9 23/11 23/13 56/2 56/2 61/9 61/11 more [7] 3/25 10/7 16/22 22/22 24/5 32/23 56/15 morning [4] 30/1 31/17 31/24 39/23 most [2] 10/14 35/21 mother [2] 45/24 54/16 mother's [1] 46/12 motion [5] 2/21 2/25 3/9 4/4 4/4 moving [1] 63/14 Mr [1] 9/22 Mr. [146] 2/11 2/15 2/21 3/3 4/16 5/19 5/23 6/1 8/17 8/19 8/19 9/23 10/16 10/21 11/4 12/4 12/7 12/17 13/5 13/20 14/11 14/17 14/25 15/6 17/1 17/5 18/9 18/16 18/24 19/21 20/22 21/2 23/23 25/16 25/21 25/21 25/22 25/23 25/25 26/6 26/13 26/14 26/15 26/19 27/2 27/2 27/3 27/3 27/7 27/13 27/16 28/12 28/14 28/20 29/9 29/14 29/15 29/19 29/19 30/23</p>	<p>30/24 31/3 31/16 31/17 31/22 32/1 32/2 32/6 32/7 32/11 32/16 34/8 35/8 36/20 37/9 37/11 37/12 37/21 38/1 38/13 38/20 38/21 38/23 39/4 39/5 39/17 39/18 40/1 40/10 40/16 41/15 41/23 41/25 42/20 43/1 43/6 43/7 43/14 43/16 43/18 43/19 44/9 44/13 44/25 45/7 45/20 45/23 46/1 46/25 47/19 48/2 48/5 48/24 49/6 49/16 50/5 50/18 51/1 51/11 51/19 51/25 54/20 55/4 56/7 56/10 56/22 57/3 57/7 57/15 57/17 57/20 57/22 58/22 58/23 59/12 59/22 60/12 60/13 60/25 61/7 61/21 63/15 63/20 63/22 63/25 64/5 Mr. Bailey [5] 43/16 43/18 43/19 49/16 60/12 Mr. Banks [4] 27/2 27/3 27/7 27/13 Mr. Davis [74] 2/15 2/21 5/19 5/23 9/23 10/16 11/4 12/7 12/17 13/5 14/11 14/17 14/25 15/6 17/1 18/9 19/21 21/2 28/14 28/20 29/15 29/19 30/24 31/3 31/22 32/1 32/2 32/7 32/16 34/8 37/21 38/13 38/20 38/21 38/23 39/4 39/18 40/1 40/10 40/16 41/15 41/23 41/25 42/20 43/1 43/14 44/9 44/13 44/25 45/7 45/20 45/23 46/1 46/25 47/19 48/5 48/24 49/6 51/1 51/11 51/25 55/4 56/7 56/10 56/22 57/3 57/7 57/17 58/22 59/22 60/25 61/7 63/15 63/22 Mr. Davis's [9] 2/11 6/1 18/24 31/17 43/6 57/15 57/22 59/12 61/21 Mr. Frazier [8] 29/14 29/19 30/23 31/16 32/6 32/11 39/5 39/17 Mr. Frazier's [1] 43/7 Mr. Hazlehurst [25] 3/3 4/16 8/17 12/4 13/20 17/5 18/16 20/22 25/21 25/22 26/6 26/13 26/14 27/16 29/9 35/8 36/20 48/2 50/18 51/19 54/20 57/20 63/20 63/25 64/5 Mr. Hazlehurst's [3] 23/23 25/16 58/23 Mr. Hurtt [1] 8/19 Mr. Johnson [3] 10/21 50/5 60/13 Mr. Lashley [10] 25/21 25/23 25/25 26/15 26/19 27/2 27/3 37/11 37/12 38/1 Mr. Lashley's [1] 28/12 Mr. Malcolm Lashley's [1] 37/9 Mr. McCants [1] 8/19 Mrs. [1] 52/18 Mrs. Davis [1] 52/18 Ms. [12] 14/4 20/24 21/11 23/10 36/19 37/10 37/12 37/17 38/5 40/9 45/12 48/21 Ms. Garner [2] 20/24 21/11</p>	<p>Ms. Hoffman [7] 14/4 23/10 36/19 38/5 40/9 45/12 48/21 Ms. Perry [3] 37/10 37/12 37/17 much [3] 23/19 39/12 62/8 multiple [2] 30/2 36/7 Murdaland [1] 49/7 Murdaland Mafia [1] 49/7 murder [61] 5/20 5/23 5/25 6/6 6/7 6/11 6/12 6/14 6/19 6/23 6/25 7/1 7/9 7/21 8/4 8/4 8/8 8/13 8/13 8/21 8/24 9/4 9/6 9/10 9/10 9/14 9/14 10/15 10/16 10/21 10/24 19/14 24/9 24/13 24/16 25/17 26/8 28/4 28/7 28/9 28/13 29/2 29/21 30/13 30/16 30/19 31/15 32/15 32/22 33/7 33/8 33/9 33/11 33/23 38/11 38/16 39/3 57/18 57/21 57/21 58/1 murdered [1] 33/16 murders [7] 7/4 7/22 25/18 33/21 36/6 36/7 49/18 must [2] 25/11 35/14 my [31] 2/15 4/2 14/16 18/1 18/2 18/2 21/1 25/25 29/5 29/6 35/14 40/4 42/18 44/3 45/9 52/12 52/17 52/19 53/9 54/2 54/3 54/4 54/5 54/6 54/7 54/7 54/13 54/15 55/24 55/24 63/7 myself [3] 10/8 52/11 54/22</p> <p>N</p> <p>N words [1] 32/19 name [1] 52/13 narcotics [1] 5/7 naturally [1] 4/22 nature [1] 38/21 near [1] 26/3 necessary [6] 7/5 18/20 21/9 61/3 62/21 63/12 necessity [1] 49/2 need [7] 33/25 36/12 46/13 54/18 58/21 59/20 64/7 needs [2] 55/5 64/1 negotiating [1] 60/18 negotiations [5] 50/11 50/12 50/15 50/15 60/16 neighborhood [17] 39/13 42/11 42/13 42/14 42/22 43/5 43/6 43/7 44/17 46/10 49/1 49/2 51/14 51/16 51/24 56/12 59/14 neither [1] 8/9 never [7] 26/4 26/16 26/16 37/22 47/11 57/21 58/25 new [4] 2/21 3/1 4/4 63/3 next [2] 8/3 8/4 nine [1] 24/22 no [34] 1/4 3/15 3/17 3/25 4/15 4/24 6/24 7/3 7/5 7/20 7/21 7/22 9/15 17/14 19/6 19/20 26/20 29/18 38/10 38/16 38/19 38/22 39/24 40/15 41/16 42/5 42/15 51/21 51/21 51/21 53/16 55/6 56/7 63/21 nodding [1] 22/5 none [2] 19/21 54/2 nonetheless [1] 25/19</p>
--	---	---

<p>N</p> <p>normal [1] 51/5 NORTHERN [1] 1/2 not [80] 4/22 5/24 6/10 6/13 6/22 7/13 7/16 7/25 8/4 8/18 9/5 9/21 10/9 11/7 11/11 11/17 12/5 12/22 13/8 14/1 15/14 18/3 18/6 18/19 19/7 21/3 21/3 23/6 23/12 23/19 25/2 26/1 26/12 27/25 29/14 29/18 34/2 35/4 35/9 35/12 35/17 36/15 37/4 38/13 38/13 39/11 39/12 40/3 40/18 40/19 42/6 43/10 43/24 44/7 45/13 47/22 49/5 50/22 50/23 51/4 51/18 51/22 53/6 53/18 54/4 54/12 54/13 55/17 56/18 57/24 58/7 58/15 59/11 59/15 60/15 60/23 61/4 61/21 62/11 63/7 note [6] 11/23 20/11 21/2 45/2 45/23 62/19 Note 4 [1] 20/11 noted [2] 11/9 41/25 notes [1] 34/9 now [13] 7/13 14/1 15/10 16/1 19/13 31/1 38/5 38/19 41/25 43/9 57/20 58/23 59/12 number [22] 2/7 2/24 4/9 7/15 8/3 16/1 16/4 16/7 16/12 16/13 16/19 28/23 31/17 40/1 43/18 43/18 53/3 53/5 57/9 57/15 60/13 61/15 numbers [1] 45/13 numerous [1] 53/3 Natty [1] 24/19 Natty B [1] 24/19</p>	<p>officer [6] 1/20 5/1 20/17 22/5 22/12 55/19 Official [2] 1/24 64/21 often [1] 18/4 Oh [2] 21/20 22/23 okay [33] 2/17 3/21 4/16 4/21 5/3 8/16 10/4 12/4 12/14 13/19 14/2 14/20 14/24 15/3 15/21 16/3 16/11 16/20 17/5 19/10 19/23 21/12 21/20 22/12 22/16 22/23 23/6 23/15 48/15 48/21 55/4 62/22 64/11 old [5] 41/25 42/2 42/6 43/22 52/15 older [1] 42/17 once [2] 32/8 48/13 one [34] 3/1 6/17 10/15 10/18 14/14 17/7 17/14 17/22 19/1 22/17 22/22 27/4 27/19 36/11 37/9 37/21 38/9 38/16 38/24 39/16 40/8 43/19 44/7 48/6 48/24 49/20 52/15 53/6 53/18 56/4 58/25 61/4 62/19 63/6 ones [1] 54/13 only [7] 9/25 10/15 18/10 49/1 49/20 53/19 63/6 open [1] 41/21 operating [1] 17/9 opinions [1] 54/10 opportunities [1] 51/7 opportunity [3] 17/19 17/19 52/9 option [1] 8/24 ordering [1] 49/18 ordinarily [1] 25/7 organization [1] 56/20 other [26] 4/21 7/4 7/25 10/5 10/23 18/3 19/10 19/11 19/18 25/9 26/25 30/12 32/5 33/10 36/23 38/20 40/8 40/21 51/5 58/3 59/2 59/23 60/10 61/12 63/10 63/19 others [1] 49/9 otherwise [1] 3/8 our [7] 3/15 11/16 12/9 14/10 21/9 37/5 52/23 ours [1] 49/7 out [14] 7/13 11/4 12/23 16/10 18/10 21/24 25/13 27/12 30/11 32/14 37/5 40/4 40/12 62/4 outcome [1] 53/15 outgoing [1] 31/20 outside [1] 29/25 over [10] 14/13 23/19 29/13 29/16 30/7 36/5 36/9 49/1 51/14 51/24 overdose [1] 14/7 overdosed [1] 18/8 overheard [1] 28/13 overriding [1] 36/11 overt [1] 20/15 overturning [1] 3/18 own [2] 53/20 54/6</p>	<p>Page 10 [2] 14/23 14/25 Page 11 [1] 15/24 Page 19 [2] 14/21 14/22 Page 9 [2] 15/23 16/6 pages [2] 14/12 14/12 painted [1] 53/2 papers [6] 3/15 12/9 30/24 31/2 31/3 31/13 Paragraph [6] 5/17 11/9 20/1 20/4 20/7 21/15 Paragraph 42 [1] 5/17 Paragraph 48 [1] 11/9 Paragraph 74 [1] 20/1 Paragraph 76 [1] 20/7 Paragraph 77 [1] 21/15 Paragraph 78 [1] 20/4 paraphernalia [1] 20/4 Park [2] 42/11 52/20 part [11] 6/1 7/23 30/17 33/21 39/12 40/17 42/16 42/19 42/24 44/18 45/22 participant [3] 48/25 49/11 56/10 participate [1] 61/25 participated [7] 6/23 6/25 7/21 9/23 10/21 33/6 33/20 participating [1] 33/5 participation [1] 7/9 particular [8] 14/14 14/16 14/17 17/17 37/5 43/5 48/4 48/6 pass [1] 15/16 passenger [1] 25/13 past [1] 54/14 patient [1] 52/24 pattern [1] 29/16 Paul [2] 1/18 2/15 Paul Hazlehurst [2] 1/18 2/15 pay [1] 51/8 paying [1] 37/10 people [19] 12/12 15/10 18/2 25/9 25/12 30/2 30/12 33/18 35/22 38/24 39/11 42/17 42/19 43/3 43/25 44/7 45/25 57/4 60/10 people's [1] 57/4 per [1] 40/11 per se [1] 40/11 perfect [1] 54/1 perhaps [2] 21/12 36/11 period [6] 14/13 30/4 31/21 36/9 46/21 59/25 permanence [1] 19/6 permanent [1] 19/3 permit [1] 61/21 Perry [5] 1/15 2/9 37/10 37/12 37/17 person [11] 17/17 17/19 18/7 18/19 20/8 34/19 38/25 39/16 39/18 47/24 54/22 personally [1] 53/8 persuade [1] 6/2 persuasive [1] 8/11 phone [16] 14/11 16/1 16/4 16/7 16/12 16/13 16/19 28/23 29/20 30/4 30/13 32/15 32/16 34/9 34/10 40/2 phones [2] 28/24 29/1 photo [2] 49/5 49/6</p>
<p>O</p> <p>object [1] 13/25 objection [2] 34/21 62/5 objections [1] 4/13 observation [1] 4/2 obstructing [1] 26/12 obstruction [8] 11/11 11/17 12/22 13/9 13/25 35/9 35/16 58/8 obviously [27] 2/20 3/9 3/16 4/16 5/1 12/6 12/8 13/24 18/19 21/4 22/16 22/19 23/8 24/2 27/13 27/25 29/22 36/3 38/12 40/5 43/10 48/16 50/2 55/22 56/9 59/8 59/13 occur [1] 39/1 occurred [1] 39/3 October [1] 1/8 offense [22] 5/17 10/14 10/22 11/8 12/18 12/22 13/1 13/13 13/16 14/9 19/14 19/18 20/15 22/1 22/2 22/8 22/9 24/7 36/3 36/10 57/6 59/4 Offense Level 33 [1] 12/18 Offense Level 35 [1] 12/22 Offense Level 43 [3] 5/17 10/14 10/22 offense-level [1] 19/18 offenses [1] 56/6 offer [3] 12/5 45/6 45/13 Office [1] 21/14</p>	<p>P</p> <p>p.m [4] 2/2 55/10 55/12 64/13 page [8] 14/21 14/22 14/23 14/25 15/23 15/24 16/6 49/6</p>	

<p>P</p> <p>photographs [1] 51/10</p> <p>photos [1] 12/3</p> <p>physical [3] 14/8 19/2 19/8</p> <p>picture [1] 53/2</p> <p>pistol [2] 34/17 34/18</p> <p>place [4] 12/22 14/17 45/5 51/4</p> <p>placed [1] 43/23</p> <p>places [4] 31/16 40/9 43/14 44/9</p> <p>plain [1] 11/21</p> <p>Plaintiff [2] 1/3 1/14</p> <p>plane [1] 43/15</p> <p>planning [3] 28/17 29/22 30/11</p> <p>plans [2] 15/4 50/6</p> <p>plausible [1] 35/25</p> <p>played [2] 26/8 32/10</p> <p>plea [7] 44/2 45/3 45/14 50/11 50/12 55/15 60/16</p> <p>plead [1] 50/1</p> <p>pleaded [1] 44/1</p> <p>pleading [1] 50/3</p> <p>please [2] 2/4 55/13</p> <p>pled [1] 44/5</p> <p>plot [4] 7/1 7/10 30/10 35/13</p> <p>plus [3] 19/17 19/17 56/2</p> <p>point [26] 3/12 6/9 7/13 7/25 8/9 10/9 13/13 19/25 20/3 20/18 21/12 22/22 25/24 26/15 26/16 37/13 38/3 38/18 41/20 47/11 50/9 55/5 56/13 56/15 58/24 58/25</p> <p>point-blank [1] 38/18</p> <p>pointed [2] 37/14 40/4</p> <p>points [9] 6/16 20/20 22/3 32/24 37/2 37/7 48/22 59/5 59/23</p> <p>poke [1] 26/22</p> <p>policy [1] 55/15</p> <p>portion [1] 54/15</p> <p>portrayed [1] 53/10</p> <p>poses [3] 35/1 47/20 49/25</p> <p>position [1] 21/9</p> <p>positions [1] 22/19</p> <p>positive [1] 40/19</p> <p>possessed [1] 57/9</p> <p>possessed/used [1] 57/9</p> <p>possession [9] 5/8 5/9 5/10 5/11 20/4 38/22 40/18 56/18 57/15</p> <p>possibility [1] 9/15</p> <p>possible [4] 35/22 48/6 48/17 52/25</p> <p>possibly [2] 18/23 25/23</p> <p>posted [1] 33/14</p> <p>posting [1] 27/22</p> <p>potent [2] 15/2 16/21</p> <p>potential [6] 8/25 9/9 45/21 46/5 46/18 47/24</p> <p>power [1] 46/9</p> <p>Precisely [1] 58/17</p> <p>predicate [1] 7/6</p> <p>prejudiced [1] 53/12</p> <p>prejudicing [1] 34/21</p> <p>preliminarily [1] 5/21</p> <p>premeditated [1] 58/1</p>	<p>premeditation [1] 8/24</p> <p>preparing [1] 58/11</p> <p>preponderance [5] 8/7 10/3 17/10 28/6 58/14</p> <p>present [5] 1/19 6/22 7/16 35/19 45/24</p> <p>presentation [1] 45/22</p> <p>presented [1] 49/4</p> <p>presentence [7] 4/7 4/13 4/19 5/18 11/9 22/13 62/11</p> <p>presents [1] 35/19</p> <p>preserved [1] 64/9</p> <p>presumably [2] 30/5 32/1</p> <p>presuming [1] 41/9</p> <p>pretty [1] 30/2</p> <p>previous [1] 20/12</p> <p>principal [2] 6/14 28/7</p> <p>prior [2] 8/20 20/14</p> <p>prison [1] 48/14</p> <p>Prisons [2] 61/8 62/2</p> <p>prize [1] 47/9</p> <p>probably [3] 26/14 46/1 46/8</p> <p>probation [9] 1/20 4/25 11/16 20/17 20/19 21/14 22/5 22/12 55/19</p> <p>Probation Office [1] 21/14</p> <p>Probation Officer [1] 1/20</p> <p>problems [1] 60/2</p> <p>proceed [1] 23/16</p> <p>proceeding [1] 55/16</p> <p>proceedings [1] 64/16</p> <p>proclivity [2] 28/2 28/3</p> <p>proffer [2] 41/4 41/5</p> <p>program [3] 48/18 48/20 62/1</p> <p>programs [1] 54/23</p> <p>promiscuous [1] 18/4</p> <p>promise [1] 52/24</p> <p>proof [5] 7/9 7/20 10/12 39/15 53/16</p> <p>proper [2] 17/22 52/11</p> <p>proportional [1] 60/24</p> <p>proportionality [2] 43/13 45/3</p> <p>propriety [1] 45/3</p> <p>prosecution [1] 34/8</p> <p>prosecutors [1] 53/7</p> <p>protect [5] 33/25 34/4 36/12 36/16 54/18</p> <p>protecting [1] 59/20</p> <p>protection [1] 58/18</p> <p>proud [1] 52/14</p> <p>prove [5] 6/13 54/5 54/7 54/12 62/21</p> <p>proved [4] 36/6 49/16 57/18 60/25</p> <p>proven [1] 57/25</p> <p>provide [3] 23/2 45/12 54/18</p> <p>PSR [4] 13/18 20/4 62/13 62/14</p> <p>public [8] 34/1 34/4 35/2 36/12 36/16 46/21 53/5 59/21</p> <p>pulled [2] 24/18 43/19</p> <p>punishable [1] 33/13</p> <p>purchase [1] 15/4</p> <p>purchased [3] 15/7 15/8 17/1</p> <p>pure [1] 38/10</p> <p>purpose [1] 58/17</p> <p>purposes [3] 24/11 28/11 41/11</p>	<p>put [10] 3/17 11/15 12/2 17/11 18/23 37/14 41/3 46/17 47/7 49/5</p> <p>putting [4] 13/8 24/11 38/17 45/17</p> <p>Q</p> <p>quantities [1] 34/19</p> <p>quantity [5] 13/1 56/25 62/7 62/14 62/15</p> <p>quarter [1] 41/9</p> <p>question [6] 10/10 30/20 37/23 41/21 56/7 60/15</p> <p>quite [18] 3/4 7/25 8/9 17/25 23/12 29/22 29/22 37/16 37/20 37/24 39/9 39/21 42/14 45/16 48/11 49/11 51/13 57/8</p> <p>quote [3] 7/3 7/5 27/11</p> <p>quoted [1] 15/17</p> <p>R</p> <p>racketeering [2] 6/21 9/5</p> <p>Rail [1] 30/8</p> <p>raise [2] 46/13 54/16</p> <p>raised [2] 52/18 52/20</p> <p>range [5] 7/6 22/10 22/17 23/5 45/14</p> <p>rap [1] 32/16</p> <p>rather [2] 20/21 54/24</p> <p>razor [9] 11/18 35/6 35/23 40/24 41/5 41/10 41/10 58/10 59/9</p> <p>razor blade [4] 11/18 35/6 40/24 41/10</p> <p>razor blades [4] 35/23 41/5 58/10 59/9</p> <p>RDAP [1] 48/17</p> <p>RDR [3] 1/23 64/14 64/19</p> <p>reached [1] 34/24</p> <p>read [2] 4/17 23/21</p> <p>ready [1] 30/24</p> <p>real [4] 31/6 31/10 35/1 58/21</p> <p>really [9] 7/22 18/25 24/12 25/16 33/1 36/13 49/21 51/23 54/22</p> <p>Realtime [1] 64/20</p> <p>reason [6] 35/25 54/5 54/25 57/25 60/7 63/8</p> <p>reasonable [7] 4/2 6/13 12/12 28/8 28/21 53/16 63/11</p> <p>reasonably [9] 6/6 6/8 6/12 6/20 8/13 10/15 28/9 32/22 32/24</p> <p>reasons [4] 55/24 58/8 60/14 60/18</p> <p>recalled [1] 27/7</p> <p>recalls [1] 29/1</p> <p>recap [1] 28/11</p> <p>receive [3] 51/8 53/23 61/24</p> <p>received [3] 4/9 40/1 52/17</p> <p>receives [1] 50/3</p> <p>receiving [1] 54/10</p> <p>recent [3] 6/15 8/1 62/20</p> <p>recently [1] 15/8</p> <p>recess [2] 55/8 55/11</p> <p>recidivist [2] 41/23 42/7</p> <p>recklessly [1] 25/8</p> <p>recognize [1] 55/22</p>
--	--	--

R		
recognizing [2] 12/14 59/21	resolve [1] 45/11	55/20 56/23 59/25
recollection [1] 25/25	respects [2] 39/11 44/17	same [10] 7/12 9/8 16/1 16/2
recommend [2] 7/17 61/23	respond [4] 29/10 29/11 37/2	16/18 27/1 39/13 43/15 43/23
recommendation [2] 7/18 48/19	48/23	61/10
recommendations [2] 48/4	responds [2] 29/5 30/21	sanctions [1] 43/3
60/19	response [1] 7/2	sat [2] 3/19 24/23
record [15] 3/8 3/12 4/17 5/6	responsibility [1] 60/14	saw [6] 37/14 38/1 38/1 44/21
21/13 21/14 21/15 21/22 41/1	responsible [6] 5/19 12/8	44/23 46/7
41/20 42/8 45/5 59/3 59/11	36/6 36/8 38/14 49/17	say [24] 3/14 4/6 5/21 9/16
64/16	rest [2] 3/15 46/17	10/14 11/2 14/18 17/25 18/1
recovered [2] 28/25 29/1	result [2] 12/20 25/7	22/19 26/1 26/5 29/18 34/23
reference [7] 5/19 17/2 17/3	resulted [1] 14/9	41/20 42/16 49/10 51/9 52/1
17/4 31/2 31/4 31/13	resulting [1] 13/11	52/5 55/5 58/25 60/8 62/14
references [1] 57/15	retain [1] 55/1	saying [2] 4/12 23/10
referred [1] 39/10	retaliation [1] 50/6	says [12] 11/23 15/8 15/24
reflected [2] 50/16 62/10	returned [1] 2/23	16/19 25/21 25/23 27/7 29/5
regard [11] 8/22 10/1 12/6	review [1] 4/18	30/20 30/24 32/18 38/9
13/8 21/9 37/6 37/9 38/6 45/2	reviewed [1] 4/10	school [1] 52/17
50/19 51/11	revise [1] 22/12	Schuyllkill [2] 48/6 61/24
regarding [2] 57/5 62/21	Ricardo [12] 5/20 6/7 10/1	screen [1] 37/13
regards [2] 39/7 43/13	10/18 28/4 28/17 28/18 29/25	se [1] 40/11
Registered [1] 64/20	31/18 31/22 32/22 39/7	seated [4] 2/4 2/18 41/18
rehab [1] 18/7	Ricardo Johnson [12] 5/20 6/7	55/13
Rehaif [1] 62/21	10/1 10/18 28/4 28/17 28/18	second [11] 8/25 9/6 9/10
rehash [1] 37/4	29/25 31/18 31/22 32/22 39/7	9/14 17/24 26/5 31/1 37/15
relate [2] 3/22 10/24	Rick [1] 28/17	57/5 63/16 63/17
related [5] 13/14 19/18 20/7	RICO [10] 5/7 6/4 6/15 8/1	second-degree [3] 9/6 9/10
20/13 56/9	8/20 19/12 20/10 20/12 28/10	9/14
relates [1] 11/3	56/8	security [1] 41/13
relating [1] 12/24	riding [2] 27/19 27/20	see [13] 5/5 10/8 15/15 17/16
relationship [1] 32/6	rifle [3] 24/21 25/14 57/10	19/10 22/5 26/7 26/9 26/17
relative [1] 60/9	rifles [1] 27/18	26/20 45/10 47/13 52/24
relatively [1] 58/24	right [35] 2/12 2/16 2/17	seek [1] 50/6
released [1] 48/13	2/20 3/13 3/21 5/5 10/4 11/13	seeking [2] 43/9 44/13
relevant [4] 14/23 22/2 50/25	11/14 14/3 16/5 19/23 21/22	seem [2] 11/8 20/13
58/19	21/24 22/8 22/16 23/12 23/16	seems [4] 12/21 13/3 20/9
reliability [1] 17/14	28/21 36/19 37/14 41/18 42/20	44/11
relied [1] 10/8	51/25 52/2 52/6 55/7 55/18	seen [3] 18/19 25/23 38/1
relocate [1] 51/17	62/10 63/17 63/22 63/23 64/8	sees [1] 46/13
reluctance [1] 28/5	64/11	seized [2] 14/11 32/15
relying [1] 20/11	rights [1] 63/19	sell [1] 56/24
remain [1] 12/21	ringed [1] 41/14	selling [2] 40/17 56/17
remarkable [1] 46/24	risk [2] 56/19 57/6	sells [2] 40/16 40/23
remarked [1] 44/22	risked [1] 19/4	send [1] 15/10
remember [1] 46/1	risky [1] 58/4	sender [1] 16/4
repaint [1] 27/10	ritual [1] 43/2	sends [1] 39/17
repeated [2] 14/15 14/15	Road [1] 42/12	sense [1] 18/22
repetitive [1] 54/9	rob [4] 24/18 28/17 32/4	sentence [39] 7/13 7/17 8/5
replied [1] 15/3	32/14	23/24 23/25 36/18 36/23 36/24
replies [3] 16/20 31/5 31/9	robbery [1] 20/2	36/25 43/9 44/5 44/12 44/13
report [7] 4/7 4/13 4/19 5/18	robbing [2] 32/8 32/17	45/21 46/19 46/20 46/22 47/19
11/9 22/13 62/11	roll [1] 47/14	47/23 49/21 49/23 52/2 53/20
Reported [1] 1/22	roll back [1] 47/14	55/9 60/6 60/7 60/21 60/24
Reporter [4] 1/24 64/20 64/20	roped [1] 49/2	61/2 61/6 61/7 61/10 61/13
64/21	rose [1] 46/11	61/16 61/18 62/5 62/25 63/7
represented [1] 18/2	roughly [1] 31/18	63/24
represents [1] 60/10	rounds [1] 24/22	sentenced [1] 7/18
request [2] 45/3 45/9	routinely [1] 16/25	sentences [3] 49/20 60/9 63/9
requested [2] 46/20 47/19	rule [3] 9/17 10/11 33/13	sentencing [25] 1/12 2/11
requesting [1] 14/5	ruled [1] 7/5	2/21 3/5 4/6 4/8 4/8 5/1 7/2
require [1] 12/1	rules [2] 22/4 33/12	7/6 8/6 14/10 17/8 23/21
required [2] 23/8 61/17	ruling [2] 7/11 8/10	30/18 40/4 41/4 41/22 42/18
requiring [2] 11/23 12/19	run [2] 23/14 34/11	44/22 45/4 49/13 50/13 55/16
research [1] 6/9		55/20
resided [1] 52/21	S	separate [1] 50/5
resident [1] 52/16	safe [1] 32/20	September [2] 20/8 34/7
resist [1] 46/7	said [16] 8/23 12/16 18/21	serious [16] 11/12 11/22
	19/14 26/2 26/3 26/4 26/16	12/19 17/12 19/15 24/7 34/14
	26/20 38/1 38/4 45/13 53/1	35/21 36/4 36/4 36/10 55/22

<p>S</p> <p>serious... [4] 55/23 56/6 57/1 58/6</p> <p>seriously [1] 11/6</p> <p>seriousness [2] 57/6 59/21</p> <p>serve [3] 6/16 49/20 49/20</p> <p>set [5] 4/25 6/4 8/15 30/8 56/6</p> <p>several [1] 38/5</p> <p>severely [1] 11/6</p> <p>shake [1] 32/19</p> <p>SHAKEEN [10] 1/5 2/7 28/23 29/3 29/10 30/16 33/11 49/15 49/23 52/13</p> <p>SHAKEEN DAVIS [9] 1/5 2/7 29/3 29/10 30/16 33/11 49/15 49/23 52/13</p> <p>Shakeen Davis's [1] 28/23</p> <p>she [6] 37/17 37/17 38/7 38/9 45/13 54/19</p> <p>shit [2] 27/12 31/8</p> <p>shoes [8] 35/23 41/6 41/6 41/15 41/16 58/10 58/15 58/20</p> <p>shooting [9] 12/8 25/24 27/8 27/19 38/11 38/14 38/18 44/6 57/22</p> <p>shootings [2] 7/22 36/7</p> <p>shopping [1] 34/18</p> <p>short [3] 7/8 27/17 31/5</p> <p>short shrift [1] 27/17</p> <p>shortly [1] 27/8</p> <p>shot [2] 11/4 30/7</p> <p>should [12] 3/8 3/20 7/13 8/12 9/18 13/16 21/13 54/2 54/19 60/17 60/18 63/5</p> <p>shoulder [1] 27/21</p> <p>show [1] 12/8</p> <p>showed [3] 3/24 44/24 44/25</p> <p>showing [1] 26/9</p> <p>shows [4] 10/13 35/4 37/6 49/4</p> <p>shrift [1] 27/17</p> <p>sic [1] 53/22</p> <p>side [1] 25/13</p> <p>sides [1] 22/18</p> <p>significance [2] 58/7 58/9</p> <p>significant [10] 14/8 19/2 19/15 30/14 31/20 34/6 34/25 39/2 50/2 60/21</p> <p>significantly [1] 31/16</p> <p>signs [1] 49/7</p> <p>similar [1] 40/10</p> <p>simply [2] 29/14 51/22</p> <p>since [1] 51/3</p> <p>sincerely [1] 54/16</p> <p>sir [1] 64/2</p> <p>sit [1] 23/20</p> <p>site [1] 30/3</p> <p>sitting [5] 25/9 25/12 26/2 39/9 42/20</p> <p>situation [2] 8/12 46/6</p> <p>six [2] 3/19 23/20</p> <p>smuggle [1] 35/23</p> <p>snitching [1] 33/13</p> <p>so [70] 4/4 4/10 4/15 5/13 7/11 8/9 8/25 10/23 11/16 12/13 12/21 14/22 14/25 16/4 16/6 16/24 17/22 18/13 19/7</p>	<p>19/12 19/20 19/24 20/22 21/5 23/2 23/3 25/2 26/12 27/13 28/20 28/25 29/14 30/2 30/10 31/2 31/10 31/11 31/21 32/18 32/21 33/19 34/3 34/7 35/6 35/16 36/3 36/16 39/2 40/3 41/19 43/22 44/9 45/23 46/11 47/14 47/18 49/21 50/8 50/16 50/20 52/12 52/24 53/15 54/23 54/24 58/5 59/3 59/10 59/11 63/18</p> <p>social [2] 27/22 44/21</p> <p>society [1] 53/11</p> <p>solid [1] 17/22</p> <p>some [28] 3/22 4/9 6/9 19/4 20/6 21/14 23/23 25/15 25/20 27/11 28/11 30/4 30/11 32/19 33/17 37/2 37/7 47/10 48/9 50/4 53/20 55/1 56/11 56/18 58/18 59/10 61/24 63/8</p> <p>somehow [2] 45/17 48/24</p> <p>someone [9] 24/16 36/1 40/13 40/23 41/9 42/10 43/20 46/6 58/5</p> <p>someone's [1] 58/2</p> <p>something [7] 10/12 31/24 40/15 41/15 50/23 51/15 59/19</p> <p>sometimes [1] 40/18</p> <p>somewhere [2] 18/23 28/19</p> <p>sorry [3] 20/8 31/7 62/8</p> <p>sort [9] 4/11 20/17 42/22 51/6 51/8 51/24 56/23 57/16 58/18</p> <p>sound [1] 54/9</p> <p>sources [1] 18/5</p> <p>speak [2] 52/6 52/9</p> <p>special [4] 1/20 2/10 50/4 61/19</p> <p>Special Agent [2] 1/20 2/10</p> <p>specific [5] 3/17 4/23 6/14 9/18 33/8</p> <p>specifically [5] 39/7 51/1 58/22 60/6 60/15</p> <p>specificity [1] 26/1</p> <p>spectrum [1] 18/4</p> <p>spend [1] 23/19</p> <p>spent [2] 46/1 46/2</p> <p>spot [1] 32/13</p> <p>squarely [1] 8/9</p> <p>squatted [1] 44/17</p> <p>staked [1] 37/5</p> <p>stand [2] 3/20 54/6</p> <p>standard [2] 10/2 17/10</p> <p>standing [4] 2/15 26/1 26/18 26/21</p> <p>start [5] 4/11 4/12 13/1 13/12 52/10</p> <p>startled [2] 37/16 37/18</p> <p>stash [4] 28/19 30/6 32/4 32/13</p> <p>state [4] 24/14 33/4 53/6 64/7</p> <p>State's [1] 53/7</p> <p>stated [3] 21/9 37/20 54/21</p> <p>statement [3] 4/23 17/15 47/12</p> <p>statements [1] 53/14</p> <p>states [11] 1/1 1/3 1/16 2/6 2/8 6/17 8/2 8/11 9/1 9/7</p>	<p>50/20</p> <p>station [2] 26/9 26/10</p> <p>statute [4] 6/4 7/7 8/14 36/25</p> <p>steal [1] 29/24</p> <p>stenographic [1] 64/16</p> <p>step [1] 29/21</p> <p>still [5] 17/10 20/13 47/4 58/24 63/9</p> <p>stipulate [1] 21/4</p> <p>stolen [4] 29/24 30/8 57/12 59/8</p> <p>stop [2] 34/12 35/22</p> <p>storeowner [1] 53/18</p> <p>story [2] 27/1 39/21</p> <p>strap [1] 27/21</p> <p>street [3] 1/24 26/3 26/10</p> <p>strenuously [1] 38/12</p> <p>strikes [1] 45/16</p> <p>subject [1] 17/20</p> <p>subjects [1] 26/10</p> <p>submission [2] 40/4 41/22</p> <p>submit [6] 3/8 3/11 12/7 12/13 13/23 42/5</p> <p>submitted [3] 3/5 4/25 5/2</p> <p>subpoena [1] 17/19</p> <p>substance [1] 61/25</p> <p>substantial [4] 46/4 46/4 46/4 46/21</p> <p>successful [1] 7/1</p> <p>such [5] 7/5 9/15 10/21 11/24 42/5</p> <p>suffered [3] 11/25 12/13 43/3</p> <p>sufficiency [2] 3/6 3/17</p> <p>sufficient [5] 4/1 5/24 12/16 61/3 63/11</p> <p>sufficiently [2] 10/17 18/22</p> <p>suggest [1] 18/14</p> <p>suggesting [1] 51/19</p> <p>superhuman [1] 46/9</p> <p>superseding [4] 63/15 63/16 63/17 63/18</p> <p>superseding indictment [3] 63/15 63/16 63/17</p> <p>supplement [2] 21/13 21/15</p> <p>support [5] 4/1 12/17 38/7 42/9 46/14</p> <p>Supreme [1] 62/20</p> <p>Supreme Court's [1] 62/20</p> <p>sure [8] 14/2 14/2 15/17 18/22 51/18 59/16 59/18 63/25</p> <p>surprising [1] 58/14</p> <p>sustained [1] 11/22</p> <p>sway [2] 51/14 51/24</p> <p>Syd [2] 32/17 32/18</p> <p>Sydni [6] 27/10 28/15 28/16 28/23 30/3 30/15</p> <p>Sydni Frazier [5] 27/10 28/15 28/16 28/23 30/15</p> <p>Sydni Frazier's [1] 30/3</p> <p>system [1] 35/21</p> <p>T</p> <p>table [3] 2/9 2/16 39/10</p> <p>take [7] 16/13 22/3 29/6 47/1 54/5 55/8 60/5</p> <p>taken [4] 12/23 22/20 55/11 58/1</p> <p>takes [1] 30/2</p>
---	---	---

T		
taking [5] 20/25 29/21 42/8 56/4 60/25	12/8 12/8 12/12 12/13 12/14 12/17 12/23 13/1 13/3 13/6 13/8 13/15 13/15 13/19 13/22 14/11 14/18 15/1 15/13 15/24 16/2 16/7 16/15 16/17 16/18 16/18 16/19 16/19 16/22 17/9 17/10 17/11 17/13 17/15 17/18 18/1 18/7 18/8 18/11 18/12 18/15 18/17 18/20 18/22 19/1 19/25 20/10 20/11 20/16 20/20 20/22 20/25 21/2 21/3 21/3 21/4 21/8 21/12 21/13 21/16 21/17 22/2 22/17 22/21 22/24 23/2 23/4 23/7 23/10 23/14 23/24 24/17 24/20 24/22 24/25 25/2 25/5 25/6 25/9 25/16 25/18 25/21 25/22 25/23 25/25 26/5 26/7 26/9 26/10 26/11 26/15 26/17 26/19 27/7 27/10 27/14 27/14 27/15 27/16 27/23 28/6 28/8 28/10 28/10 28/11 28/13 28/20 28/24 29/1 29/7 29/9 29/10 29/11 29/12 29/20 29/21 30/8 30/11 30/12 31/19 31/19 32/2 32/3 32/6 32/6 32/10 32/14 32/21 32/23 33/1 33/6 33/7 33/10 33/13 33/15 33/19 33/20 33/21 33/21 33/22 34/3 34/23 35/1 35/4 35/8 35/14 35/17 35/18 35/24 35/25 36/5 36/6 36/11 36/13 36/13 36/14 36/15 36/17 37/1 37/5 37/7 37/7 37/13 37/16 37/17 37/18 37/22 37/23 37/24 38/1 38/2 38/3 38/5 38/6 38/9 38/10 38/13 38/14 38/15 38/16 38/16 38/18 38/19 38/20 38/21 38/25 39/4 39/5 39/6 39/8 39/11 39/11 39/12 39/15 39/16 39/17 39/18 39/18 39/20 39/21 39/24 40/2 40/4 40/7 40/7 40/10 40/13 40/14 40/15 40/16 40/20 40/20 40/22 41/4 41/9 41/10 41/14 41/17 41/17 41/18 41/19 41/19 41/20 41/20 41/21 42/3 42/9 42/12 42/12 42/13 42/14 42/15 42/22 42/22 43/1 43/3 43/14 43/23 44/9 44/16 44/21 44/22 44/24 45/17 45/18 45/18 45/19 45/21 45/23 46/8 46/8 46/9 46/9 46/10 46/11 46/11 46/14 46/16 46/18 46/20 46/20 46/24 47/5 47/7 47/12 47/19 47/20 47/23 47/24 47/24 48/13 48/18 48/18 48/18 48/19 48/24 48/25 49/4 49/5 49/11 49/14 49/16 49/16 49/19 49/22 49/23 49/25 50/2 50/7 50/8 50/15 50/17 50/19 50/20 50/20 51/2 51/4 51/10 51/13 51/14 51/14 51/15 51/15 51/19 51/23 52/2 52/7 53/1 53/10 53/14 53/25 54/14 54/15 54/18 54/25 55/15 55/25 56/4 56/7 56/11 56/11 56/16 56/17 56/22 57/3 57/7 57/8 57/16 57/25 58/1 58/7 58/13 58/15 58/16 58/19 58/19 58/21 58/25 59/13 59/17 59/18 59/20 59/23 59/25 60/2	60/4 60/7 60/8 60/9 60/16 60/21 60/23 61/5 61/7 61/8 61/13 61/15 61/19 61/23 62/7 62/12 62/22 62/25 62/25 62/25 63/3 63/7 63/10 63/25 64/2 64/6 64/7 64/15 that's [29] 5/18 8/14 14/6 18/19 21/23 22/7 23/12 26/14 27/13 27/25 28/21 29/11 30/2 32/15 38/3 40/25 46/8 47/3 50/8 51/17 54/25 55/3 56/4 56/5 56/15 56/18 61/12 62/2 62/17 their [10] 12/1 12/3 24/23 25/9 25/12 42/19 53/20 53/24 60/10 60/19 them [10] 15/18 17/20 24/2 25/14 28/3 29/13 30/5 33/17 43/12 44/7 then [25] 12/18 13/14 14/23 15/3 15/6 15/24 16/5 19/16 21/12 21/23 22/1 22/8 27/9 27/16 28/22 29/19 30/7 31/7 31/7 31/16 32/15 36/24 50/10 59/9 62/17 theory [3] 42/21 44/19 53/14 there [96] 2/23 3/2 3/14 3/22 3/25 4/13 4/23 5/24 6/15 6/24 7/3 7/12 7/15 7/20 8/22 8/25 9/2 9/9 9/9 9/12 9/13 9/15 9/21 9/22 9/25 10/9 10/12 10/23 11/1 12/7 12/16 13/3 14/1 14/10 14/14 16/23 17/14 18/14 19/18 19/25 20/3 20/6 20/18 23/2 23/8 24/12 25/5 26/24 27/12 28/20 28/21 28/23 28/25 29/12 30/15 31/13 32/16 33/10 34/9 34/21 35/24 37/7 38/15 38/20 38/22 39/2 40/3 40/3 40/8 41/6 41/7 41/11 41/16 42/5 42/14 43/2 45/11 47/16 48/4 48/7 48/22 49/3 50/2 50/4 51/6 51/23 51/25 55/21 56/11 57/14 57/20 58/7 60/2 61/17 61/19 62/24 there's [12] 3/16 11/21 12/11 19/25 26/12 38/10 38/19 38/22 40/25 51/7 56/7 58/9 these [13] 4/11 7/23 11/5 12/17 18/17 20/10 22/13 25/18 29/17 35/10 38/24 47/15 54/14 they [44] 4/24 6/7 11/6 11/25 12/1 14/14 15/3 15/10 16/24 18/3 18/4 18/11 24/18 24/23 27/1 27/4 29/15 29/16 29/24 29/25 30/1 30/1 30/4 30/8 32/4 33/7 34/23 34/23 34/24 39/12 39/13 39/13 40/14 41/5 41/6 41/7 43/4 43/11 51/24 54/7 54/11 54/12 61/4 63/6 they're [8] 15/17 16/1 18/9 27/5 29/7 30/12 31/11 32/3 thing [9] 9/8 17/24 38/25 40/19 40/19 42/5 46/24 47/9 51/9 things [10] 7/24 17/7 33/14 38/9 40/5 41/8 46/7 51/5 55/21 59/16 think [106] 3/11 3/15 3/16

<p>T</p> <p>think... [103] 4/15 5/13 5/21 8/10 10/12 10/20 10/23 11/20 12/6 12/11 12/15 12/25 13/16 17/22 18/17 19/7 19/12 19/20 19/25 20/11 20/18 21/1 21/9 22/1 25/2 25/5 25/11 26/6 26/14 26/19 26/24 27/16 28/8 28/10 28/20 30/11 30/14 31/4 31/14 31/19 31/23 32/1 32/21 32/23 32/23 33/1 33/3 34/2 34/3 34/25 35/4 35/18 35/24 36/1 36/3 36/11 36/13 37/8 37/16 37/20 37/24 38/2 38/5 39/5 40/9 40/20 40/24 41/17 41/19 42/18 44/7 44/20 44/23 46/3 46/8 46/18 47/3 48/11 48/18 49/4 49/10 49/11 49/16 49/19 49/21 49/22 49/23 50/8 50/11 50/23 51/10 51/22 54/11 56/13 57/24 58/7 58/21 58/24 60/5 60/8 61/2 62/12 62/22</p> <p>third [1] 45/10</p> <p>this [121] 2/6 3/12 6/9 6/10 6/15 6/18 7/23 7/25 8/2 9/11 9/15 10/9 11/3 11/10 12/15 14/3 14/17 15/4 15/7 15/11 16/22 16/24 16/25 17/12 17/16 17/19 18/7 18/23 18/25 20/3 21/5 21/5 21/14 22/9 23/25 27/5 27/9 27/18 28/2 28/7 29/21 30/10 30/11 30/13 30/16 31/1 31/14 31/21 32/6 32/11 32/12 32/21 33/5 33/6 33/7 33/19 33/20 34/2 35/1 36/5 36/12 36/14 37/14 38/4 38/18 39/6 40/15 40/15 40/17 40/22 41/20 42/1 42/6 42/11 42/13 42/17 42/19 43/4 43/5 43/6 43/6 43/7 43/7 43/9 43/14 43/17 43/22 44/1 44/6 44/10 44/20 44/21 45/9 45/10 45/11 45/13 45/22 46/2 47/13 47/16 47/24 49/24 52/3 52/8 52/25 53/6 53/19 55/5 55/15 56/6 56/14 56/25 58/21 59/6 59/7 59/12 59/21 60/22 61/5 61/14 63/24</p> <p>those [15] 4/10 11/1 15/16 16/15 18/13 25/3 25/20 40/5 41/5 41/8 42/19 45/25 57/23 58/15 63/9</p> <p>though [6] 6/21 7/15 23/1 29/14 30/22 53/21</p> <p>thought [4] 4/11 45/20 46/24 54/11</p> <p>three [5] 15/6 22/3 29/6 41/9 54/14</p> <p>three-quarter-inch [1] 41/9</p> <p>through [7] 3/19 15/9 15/25 18/8 23/20 54/19 54/20</p> <p>throughout [2] 29/20 54/2</p> <p>throwing [2] 49/6 51/11</p> <p>tie [1] 30/1</p> <p>tied [1] 31/22</p> <p>time [13] 14/13 23/19 27/18 30/5 30/11 46/21 47/14 47/15 50/7 52/22 54/9 59/13 59/25</p>	<p>times [3] 30/7 47/13 57/8</p> <p>timing [1] 31/19</p> <p>Timothy [5] 6/17 6/22 6/25 7/14 8/11</p> <p>Timothy Hurtt [3] 6/22 6/25 7/14</p> <p>today [7] 4/10 12/10 41/13 45/24 45/25 52/14 54/10</p> <p>told [1] 54/4</p> <p>tons [1] 44/21</p> <p>too [3] 30/16 31/8 47/13</p> <p>took [2] 44/2 49/1</p> <p>top [1] 42/20</p> <p>total [5] 12/22 13/7 19/13 20/20 36/25</p> <p>touch [1] 11/19</p> <p>towards [1] 53/20</p> <p>trade [2] 48/12 55/1</p> <p>trades [1] 54/23</p> <p>trafficking [3] 5/12 36/8 56/20</p> <p>tragedy [1] 59/12</p> <p>training [3] 47/8 48/10 61/25</p> <p>transaction [1] 15/23</p> <p>transactions [1] 14/15</p> <p>transcript [1] 64/15</p> <p>traumatic [1] 25/11</p> <p>treated [1] 46/25</p> <p>treatment [5] 46/23 47/5 47/5 48/17 62/1</p> <p>treats [1] 57/25</p> <p>tremendous [1] 47/23</p> <p>trial [34] 2/16 2/22 3/1 3/11 3/20 4/4 9/12 12/3 15/12 21/19 23/20 26/15 28/12 30/17 32/10 34/20 35/24 36/6 37/22 39/11 42/13 44/4 49/4 49/17 50/23 50/24 52/23 53/2 53/19 53/22 53/23 54/4 60/20 63/3</p> <p>tried [1] 24/18</p> <p>tries [1] 26/22</p> <p>trigger [1] 43/19</p> <p>troubling [1] 40/5</p> <p>true [5] 21/17 26/17 29/11 37/25 50/1</p> <p>true test [1] 21/17</p> <p>trunk [1] 27/19</p> <p>try [4] 6/9 30/8 46/12 46/13</p> <p>trying [8] 30/5 32/3 32/18 35/22 36/1 43/4 48/8 60/3</p> <p>turn [1] 48/3</p> <p>two [30] 6/15 10/23 11/12 11/20 11/21 12/12 12/17 13/4 13/5 13/14 14/6 16/18 17/7 17/9 17/13 18/13 19/17 19/17 20/19 24/25 25/3 26/24 28/25 33/23 36/7 39/11 44/6 52/21 57/18 61/12</p> <p>two-level [2] 11/21 14/6</p> <p>tying [1] 27/17</p> <p>type [5] 25/6 32/6 41/10 53/20 55/1</p> <p>U</p> <p>U.S [1] 1/20</p> <p>U.S. [2] 9/3 53/7</p> <p>U.S. State's [1] 53/7</p> <p>U.S. versus Mark Bazemore [1] 9/3</p>	<p>ultimately [6] 17/14 18/10 30/7 32/4 41/1 47/9</p> <p>unanswered [1] 39/17</p> <p>uncharged [1] 8/8</p> <p>Uncle [1] 28/17</p> <p>Uncle Rick [1] 28/17</p> <p>unclear [1] 31/11</p> <p>under [13] 7/7 11/20 14/6 17/9 20/13 22/3 22/19 33/1 33/3 36/12 40/14 44/19 45/6</p> <p>understand [9] 13/10 21/6 28/5 51/18 53/25 57/17 58/23 60/1 64/2</p> <p>understanding [1] 17/7</p> <p>understands [1] 60/2</p> <p>unfair [1] 54/12</p> <p>unfortunate [1] 47/3</p> <p>unfortunately [3] 35/11 40/17 56/22</p> <p>ungodly [1] 53/5</p> <p>UNITED [9] 1/1 1/3 1/16 2/6 2/8 6/17 8/2 8/11 9/7</p> <p>United States [2] 2/6 2/8</p> <p>United States versus Gerald Johnson [1] 9/7</p> <p>United States versus Marquise McCants [1] 8/2</p> <p>United States versus Timothy Hurtt [2] 6/17 8/11</p> <p>unlawful [2] 5/8 5/9</p> <p>unless [3] 10/12 18/25 35/25</p> <p>unloading [1] 25/14</p> <p>unnecessarily [1] 43/16</p> <p>untruthful [1] 53/13</p> <p>unwilling [2] 48/25 49/11</p> <p>up [35] 6/4 8/15 13/24 14/18 15/9 15/16 15/22 15/25 18/7 18/7 20/23 22/3 23/3 27/15 30/1 30/13 31/1 31/22 32/21 32/23 34/23 35/12 36/6 39/13 42/10 43/7 43/8 49/6 50/12 51/11 54/16 59/13 59/14 60/1 62/2</p> <p>upbringing [1] 44/15</p> <p>upon [2] 11/19 44/5</p> <p>upper [1] 44/10</p> <p>upward [3] 11/21 14/6 19/8</p> <p>us [1] 22/10</p> <p>use [6] 13/6 13/24 18/2 28/3 47/7 56/24</p> <p>used [5] 13/5 15/2 16/21 42/18 57/9</p> <p>useful [1] 6/16</p> <p>users [1] 18/1</p> <p>uses [1] 32/13</p> <p>usually [2] 16/21 31/2</p> <p>utmost [1] 54/12</p> <p>V</p> <p>vacated [1] 63/9</p> <p>vague [1] 31/11</p> <p>van [2] 30/8 31/22</p> <p>vantage [2] 25/24 26/16</p> <p>various [4] 3/22 57/8 58/8 59/5</p> <p>vegetation [1] 26/12</p> <p>venture [1] 17/18</p> <p>verbatim [1] 50/20</p> <p>verdict [8] 2/23 3/18 3/20</p>
---	---	--

V		
verdict... [5] 4/1 10/20 12/25 24/4 56/14	41/2 41/3 41/15 41/16 41/16 41/18 42/1 42/1 42/3 42/3 42/4 42/14 42/15 43/2 43/2 43/20 44/18 44/25 45/9 45/10 45/10 45/20 46/11 46/24 48/24 48/25 49/1 49/2 49/3 49/11 49/11 49/17 51/11 51/19 51/22 51/22 51/23 51/24 52/20 54/4 54/6 56/10 56/12 56/16 56/22 57/11 57/11 57/18 57/22 57/22 58/11 58/16 58/17 58/19 59/7 59/7 62/10 62/15 63/3 63/15	59/14 59/15
verdicts [1] 38/8	wasn't [3] 29/23 30/18 34/20	weren't [1] 47/14
versus [6] 2/6 6/17 8/2 8/11 9/3 9/7	waste [2] 46/18 47/24	what [57] 3/23 8/22 10/5 10/8 11/2 11/15 16/15 19/12 24/1 24/3 24/4 24/5 26/7 27/2 27/3 29/4 30/10 30/22 31/11 35/11 37/6 37/18 38/1 38/17 39/2 39/10 39/24 40/21 41/1 41/3 41/7 42/10 43/10 43/11 43/14 44/22 45/6 45/20 46/15 47/11 47/22 51/11 54/11 54/12 54/20 56/1 56/23 57/18 57/22 58/17 59/2 59/15 59/19 60/3 60/10 60/24 62/4
very [27] 15/2 16/21 25/11 26/9 26/20 26/24 26/25 27/6 28/10 34/5 34/14 36/5 36/10 37/5 39/4 39/8 40/5 44/23 48/23 49/14 52/24 55/20 55/21 55/22 56/16 58/6 60/21	watch [1] 25/12	what's [6] 19/12 20/6 32/2 32/19 49/9 62/21
victim [3] 11/22 30/4 43/20	way [8] 6/4 8/14 15/10 18/10 20/10 21/6 21/25 29/5	whatever [7] 18/22 22/18 44/16 44/17 48/12 58/4 60/19
victim's [1] 29/24	ways [3] 26/25 33/10 33/19	whatsoever [1] 53/9
victims [4] 11/25 24/17 24/23 25/6	we [123] 2/20 2/21 3/9 3/20 4/11 5/6 5/6 6/3 6/5 8/10 11/15 11/17 11/19 12/2 12/9 13/8 13/12 13/15 13/21 13/24 13/25 14/5 16/1 17/7 17/9 17/16 17/22 18/6 18/10 18/11 18/20 19/4 19/10 19/10 19/11 21/12 21/15 22/2 22/7 22/8 22/9 22/21 22/24 23/24 23/25 24/3 24/3 24/5 24/17 24/20 24/22 24/25 25/2 26/8 27/9 28/12 28/20 28/22 29/3 29/7 30/11 30/13 30/24 31/3 31/4 31/14 31/19 32/5 32/10 32/10 32/21 32/23 32/23 33/10 33/12 33/14 33/17 33/19 35/11 35/11 35/16 36/3 36/10 36/13 36/16 36/22 37/1 37/22 38/2 38/19 39/10 39/11 39/24 39/24 40/1 40/15 40/15 40/16 41/1 41/5 41/7 41/19 42/10 42/12 43/1 43/2 44/7 44/21 45/5 45/13 45/18 45/21 49/5 50/24 50/24 56/1 57/3 57/17 57/21 59/5 60/2 60/3 63/14	when [23] 10/14 11/3 17/16 26/2 31/21 32/8 32/14 34/16 34/23 34/24 35/3 35/21 37/10 37/13 37/23 40/11 41/5 41/6 41/25 42/3 46/25 57/11 57/22
violent [2] 36/5 58/3	we'll [2] 3/15 12/13	where [22] 8/12 8/20 13/12 14/20 17/8 26/1 26/17 26/20 30/5 37/13 38/4 43/7 43/8 43/19 50/24 50/24 51/17 52/17 54/23 58/25 59/14 62/3
virtually [1] 60/1	we're [4] 2/10 35/17 39/15 43/22	wherever [1] 48/12
virtue [2] 7/7 50/3	we've [4] 12/9 16/7 37/5 46/20	whether [12] 6/11 10/11 19/3 19/4 39/25 39/25 42/16 55/17 56/9 56/11 60/19 63/2
vis [2] 50/24 50/24	weapon [3] 38/18 38/20 57/16	which [41] 5/8 5/11 7/8 7/8 9/3 11/23 12/18 15/1 15/11 16/1 16/24 20/7 20/14 20/20 22/10 22/25 27/5 27/9 27/11 30/17 31/4 31/5 31/13 31/17 32/3 32/11 32/16 33/8 34/25 35/12 36/7 49/9 51/15 52/16 52/21 53/11 54/7 54/12 54/20 56/8 56/19
vis-à-vis [1] 50/24	weapons [6] 29/2 34/15 38/21 40/18 56/24 57/9	while [2] 34/5 59/6
vocational [1] 61/24	wearing [1] 58/16	who [23] 2/15 12/12 14/14 16/25 18/2 24/16 26/25 33/15 33/18 34/2 34/22 38/25 40/23 41/6 42/10 42/13 42/17 43/20 44/6 45/25 47/16 52/18 53/20
voicemail [1] 39/25	week [1] 52/23	who's [1] 15/7
volumes [1] 42/12	weeks [2] 3/19 23/20	why [8] 26/14 35/6 35/25 37/1 38/3 54/5 54/18 54/25
voluntary [1] 56/10	weight [4] 10/6 13/17 35/20 36/14	will [18] 11/19 12/23 13/23 23/14 36/15 45/8 46/20 48/13 48/19 57/20 60/8 61/13 61/17 61/23 62/22 63/25 64/5 64/8
vs [1] 1/4	welfare [1] 46/15	window [1] 25/13
W	well [15] 2/20 3/21 4/11 5/5 6/3 10/4 18/16 19/25 22/7 23/12 29/9 32/5 55/18 60/17 61/25	Windsor [2] 42/12 52/21
waist [2] 34/17 34/18	went [7] 24/20 34/23 34/24 39/25 40/1 43/17 54/4	Windsor Mill [1] 52/21
walking [1] 26/11	were [30] 7/15 8/23 11/6 12/12 18/11 20/11 26/11 26/17 28/24 29/1 33/21 35/12 36/6 37/7 37/13 39/11 39/12 39/13 41/5 41/11 42/22 43/4 50/15 50/24 56/11 57/3 57/14 58/15	Windsor Mill Road [1] 42/12
want [18] 2/5 11/19 13/19 14/3 20/22 24/9 25/15 28/4 33/25 37/23 44/16 46/1 49/13 52/4 52/22 54/16 54/22 59/23		wish [2] 47/14 54/25
wanted [7] 25/20 28/11 37/25 45/10 48/22 53/20 59/15		within [4] 43/13 61/5 64/1 64/8
wants [6] 3/14 6/2 13/10 27/23 32/14 47/16		within-guideline [1] 61/5
warrant [1] 17/12		without [4] 9/18 10/6 61/3 63/12
warranted [3] 49/24 60/22 61/10		witness [2] 50/6 53/13
was [168] 2/23 3/25 4/25 5/1 5/12 5/23 6/6 6/7 6/12 6/13 6/18 6/18 6/19 6/24 7/3 7/3 7/8 7/20 7/23 8/7 8/13 8/25 9/9 9/12 9/13 9/21 9/22 9/25 10/1 10/15 10/16 10/17 12/7 12/8 12/16 13/17 14/10 14/11 14/14 15/11 15/12 15/13 17/25 19/4 21/18 25/2 25/3 25/6 25/10 26/1 26/2 26/2 26/3 26/4 26/4 26/5 26/20 27/3 28/6 28/9 28/16 28/16 30/11 30/16 31/18 32/11 32/12 32/22 33/8 33/11 33/21 33/22 34/5 34/7 34/9 34/12 34/13 34/16 34/17 34/21 35/13 35/13 35/25 36/5 36/5 36/8 36/11 37/10 37/10 37/13 37/18 37/24 37/25 37/25 38/4 38/7 38/13 38/18 38/24 38/25 39/6 39/8 39/18 39/24 39/25 40/10 40/11 40/15		witness's [2] 26/22 28/1
		witness-retaliation [1] 50/6
		witnesses [3] 4/3 25/22 26/25

W won't [1] 52/4 word [1] 42/18 words [1] 32/19 work [2] 20/10 20/25 working [2] 15/14 46/12 works [1] 22/1 world [1] 49/7 worse [3] 35/4 49/15 49/22 would [60] 3/6 4/4 9/2 10/9 11/1 11/8 11/9 12/18 12/21 13/1 13/3 13/6 15/15 16/23 17/18 17/25 18/10 18/13 19/7 19/13 20/14 20/17 20/18 20/20 20/20 21/2 22/10 22/18 23/16 26/19 33/7 33/7 35/25 37/2 38/12 42/5 43/11 45/2 45/13 47/3 47/15 47/18 50/10 50/16 51/9 52/1 52/10 53/4 53/11 56/25 58/13 58/14 58/25 60/24 62/24 63/1 63/7 63/9 63/11 63/18 wound [1] 14/18 wounds [1] 12/1 wrong [8] 6/2 16/7 21/25 26/6 31/10 45/17 53/11 53/25 wrote [1] 45/25	4/18 4/20 4/24 6/3 7/6 8/18 9/2 9/8 9/11 9/16 9/20 11/14 12/5 12/10 12/14 13/21 14/21 15/10 15/15 15/18 17/6 17/7 17/13 17/24 17/25 18/13 19/22 20/23 21/2 22/6 22/15 22/20 22/21 23/1 23/16 23/18 23/20 23/24 24/2 25/17 29/1 31/1 36/21 36/22 37/4 37/9 37/20 38/12 39/4 39/8 39/21 40/5 40/9 40/13 40/24 41/13 41/22 44/20 45/2 45/16 45/22 47/18 48/1 48/3 48/5 48/16 50/5 50/10 50/16 50/19 51/1 51/9 51/13 51/21 52/10 52/22 55/6 62/6 63/21 63/23 64/8 Your Honor [72] 2/14 2/19 3/4 3/19 4/20 4/24 6/3 8/18 9/2 9/8 9/11 9/16 9/20 11/14 12/5 12/10 13/21 15/15 17/6 17/7 17/13 17/24 17/25 18/13 19/22 20/23 21/2 22/6 22/21 23/1 23/18 23/20 23/24 24/2 25/17 29/1 31/1 36/21 36/22 37/4 37/9 37/20 38/12 39/4 39/8 39/21 40/5 40/9 40/13 40/24 41/13 41/22 44/20 45/2 45/16 45/22 47/18 48/1 48/5 48/16 50/5 50/10 50/16 50/19 51/1 51/9 51/13 51/21 52/10 55/6 62/6 63/21 youth [1] 44/14	
Y yeah [2] 16/9 30/21 year [7] 36/24 42/6 43/22 52/15 61/13 61/15 63/9 years [23] 7/17 7/19 23/3 36/5 36/9 36/24 36/25 41/25 42/2 44/6 45/15 46/21 50/2 52/14 54/14 61/8 61/11 61/13 62/7 62/9 62/17 63/10 63/11 yes [10] 3/21 4/20 11/17 14/5 22/15 23/6 23/15 59/24 64/3 64/10 yesterday [1] 31/10 yet [1] 45/21 you [82] 2/3 2/5 2/12 2/17 2/17 2/19 3/13 4/6 4/19 4/22 5/4 5/22 11/2 12/14 13/19 14/3 16/3 16/7 16/13 17/6 19/9 19/22 20/11 20/22 23/3 23/10 23/16 23/18 23/21 26/7 26/9 26/17 26/17 26/20 30/20 30/22 30/22 31/23 36/19 36/21 37/13 37/13 37/22 37/23 42/16 42/22 42/22 42/24 44/16 44/24 48/1 48/2 48/25 49/20 51/18 51/24 52/1 52/2 52/2 52/4 52/4 52/4 52/6 52/8 52/22 53/10 55/4 55/6 55/7 55/9 55/13 55/18 55/25 62/16 63/21 63/22 63/23 63/25 64/2 64/5 64/7 64/12 you'd [2] 3/2 52/6 you're [6] 16/15 35/3 52/3 52/24 62/16 64/7 you've [7] 4/17 16/4 22/20 23/8 23/21 37/23 42/19 young [2] 46/3 58/24 younger [1] 39/12 youngest [1] 52/18 your [85] 2/14 2/19 3/4 3/19	Z Zweizig [3] 1/23 64/14 64/19	

KAM'

United States District Court

District of Maryland

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

v.

SHAKEEN DAVIS

Case Number: CCB-1-16-CR-00267-020

Defendant's Attorney: Paul D Hazlehurst, Esq.

Assistant U.S. Attorney: Christina A Hoffman and

Lauren Perry

FILED
LOGGED *KZ* ENTERED
RECEIVED

OCT 16 2019

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

THE DEFENDANT:

- ☐ pleaded guilty to count(s) ____
- ☐ pleaded nolo contendere to count(s) ____, which was accepted by the court.
- ☒ was found guilty on counts 1s, 2s, 16s, 30s, 31s, & 32s after a plea of not guilty.

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date</u> <u>Offense Concluded</u>	<u>Count</u> <u>Numbers</u>
18:1962(d)	Racketeering Conspiracy	6/1/2017	1s
21:846	Conspiracy To Distribute Controlled Substances	6/1/2017	2s

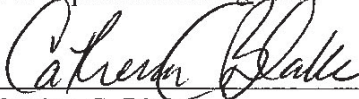
The defendant is adjudged guilty of the offenses listed above and sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 as modified by U.S. v. Booker, 543 U.S. 220 (2005).

- ☐ The defendant has been found not guilty on count(s) ____
- ☒ Superseding Indictment is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

October 11, 2019

Date of Imposition of Judgment



Catherine C. Blake
United States District Judge

10/16/19
Date

Name of Court Reporter: Douglas Zweizig

JA6548

DEFENDANT: SHAKEEN DAVIS
CASE NUMBER: CCB-1-16-CR-00267-020

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Numbers</u>
18:922(g)	Possession Of A Firearm and Ammunition By A Felon	4/26/2016 / 2/24/2017	16s & 30s
21:841	Distribution and Possession With Intent To Distribute Controlled Substances	2/24/2017	31s
18:924(c)	Possession Of A Firearm In Furtherance Of A Drug Trafficking Crime	2/24/2017	32s

DEFENDANT: Shakeen Davis

CASE NUMBER: CCB-1-16-CR-00267-020

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 300 months as to Counts 1s and 2s; and 120 months as to Counts 16s and 30s to run concurrent with Counts 1s and 2s; and 240 months as to Count 31s to run concurrent to Counts 1s, 2s, 16s, and 30s for a term of 300 months; and 60 months as to Count 32s to run consecutive to Counts 1s, 2s, 16s, 30s, and 31s for a total term of 360 months.

☒ The court makes the following recommendations to the Bureau of Prisons: (1) that the defendant participate in any substance abuse program for which he may be eligible including the Residential Drug Abuse Program; (2) that the defendant participate in any vocational training program for which he may be eligible during his period of incarceration; (3) the defendant receive a mental health evaluation; and (4) that the defendant be designated to the FCI at Schuylkill for service of his sentence.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ a.m./p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender, at his/her own expense, to the institution designated by the Bureau of Prisons at the date and time specified in a written notice to be sent to the defendant by the United States Marshal. If the defendant does not receive such a written notice, defendant shall surrender to the United States Marshal:

☐ before 2pm on _____.

A defendant who fails to report either to the designated institution or to the United States Marshal as directed shall be subject to the penalties of Title 18 U.S.C. §3146. If convicted of an offense while on release, the defendant shall be subject to the penalties set forth in 18 U.S.C. §3147. For violation of a condition of release, the defendant shall be subject to the sanctions set forth in Title 18 U.S.C. §3148. Any bond or property posted may be forfeited and judgment entered against the defendant and the surety in the full amount of the bond.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
DEPUTY U.S. MARSHAL

JA6550

DEFENDANT: Shakeen Davis**CASE NUMBER: CCB-1-16-CR-00267-020****SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years as to Counts 1s, 2s, 31s, and 32s to run concurrent to each other; and 3 years as to Counts 16s and 30s to run concurrent to each other and Counts 1s, 2s, 31s, and 32s for a total term of 5 years.

The defendant shall comply with all of the following conditions:

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

A. MANDATORY CONDITIONS

- 1) You must not commit another federal, state or local crime.
- 2) You must not unlawfully possess a controlled substance.
- 3) You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
- 4) ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
- 5) You must cooperate in the collection of DNA as directed by the probation officer.
- 6) ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
- 7) ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page

B. STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

JA6551

DEFENDANT: Shakeen Davis**CASE NUMBER: CCB-1-16-CR-00267-020**

- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13) You must follow the instructions of the probation officer related to the conditions of supervision.

C. SUPERVISED RELEASE ADDITIONAL CONDITIONS

You must participate in a vocational services program and follow the rules and regulations of that program. Such a program may include job readiness training and skills development training.

You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.

You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: Shakeen Davis

CASE NUMBER: CCB-1-16-CR-00267-020

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 5B.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$600.00	\$	waived	\$.00

☐ CVB Processing Fee \$30.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	\$ _____
---------------	----------	----------

☐ Restitution amount ordered pursuant to plea agreement _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Shakeen Davis

CASE NUMBER: CCB-1-16-CR-00267-020

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☒ In full immediately; or
- B ☐ \$_____ immediately, balance due (in accordance with C, D, or E); or
- C ☐ Not later than _____; or
- D ☐ Installments to commence _____ day(s) after the date of this judgment.
- E ☐ In _____ (e.g. *equal weekly, monthly, quarterly*) installments of \$_____ over a period of _____ year(s) to commence when the defendant is placed on supervised release.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Unless the court expressly orders otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program, are to be made to the Clerk of the Court.

☐ **NO RESTITUTION OR OTHER FINANCIAL PENALTY SHALL BE COLLECTED THROUGH THE INMATE FINANCIAL RESPONSIBILITY PROGRAM.**

If the entire amount of criminal monetary penalties is not paid prior to the commencement of supervision, the balance shall be paid:

- ☐ in equal monthly installments during the term of supervision; or
- ☐ on a nominal payment schedule of \$_____ per month during the term of supervision.

The U.S. probation officer may recommend a modification of the payment schedule depending on the defendant's financial circumstances.

Special instructions regarding the payment of criminal monetary penalties:

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

JA6554

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*

Criminal No: CCB-16-0267

SHAKEEN DAVIS,

*

Defendant

*

* * * * *

NOTICE OF APPEAL

Notice is hereby given that the defendant, Shakeen Davis, appeals to the United States Court of Appeals for the Fourth Circuit from the final judgment of conviction and sentence imposed in this case in open court on October 11, 2019 and entered as the Judgment in a Criminal Case filed October 16, 2019 at ECF document number 1307.

Paul D. Hazlehurst, Esquire, who has represented the defendant as Criminal Justice Act-appointed counsel in the United States District Court, hereby requests to be relieved as counsel and have alternative counsel appointed to represent Mr. Davis on appeal.

Respectfully submitted,

/s/

Paul D. Hazlehurst, Esquire
Bar No: 08156
11350 McCormick Road
Executive Plaza II, Suite 705
Hunt Valley, MD 21031
(410) 773-9610
paul@lawpdh.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October 2019, a copy of this Notice of Appeal was electronically delivered to all parties and counsel of record via CM/ECF.

/s/
Paul D. Hazlehurst. Esquire

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*

Criminal No. CCB 16-0267

DANTE BAILEY

*

* * *

**DEFENDANT BAILEY'S SUPPLEMENT TO RESPONSE
TO MOTION TO ENFORCE PLEA AGREEMENT**

Dante Bailey, by and through undersigned counsel, supplements his Response to the Government's Reply to his Motion to Enforce Plea Agreement by submitting Affidavits from counsel in support of that Motion, attached hereto as Exhibits A and B. The Court heard argument and placed its denial of the Motion on the record; but counsel, in order to insure a complete record, submit under oath, trial counsels' recital of the facts that caused the Motion to be filed.

Respectfully submitted,

/s/

Gerard P. Martin, Fed. Bar No.: 00691
Rosenberg Martin Greenberg, LLP
25 S. Charles St., 21st Fl.
Baltimore, MD 21201
Phone: 410-727-6600
Fax: 410-727-1115
gmartin@rosenbergmartin.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on this 23rd day of October 2019, a copy of the foregoing Supplement to Response to Motion to Enforce Plea Agreement was served via CM/ECF on all counsel of record.

_____/s/
Gerard P. Martin

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*

Criminal No. CCB 16-0267

DANTE BAILEY

*

* * *

AFFIDAVIT IN SUPPORT OF MOTION TO ENFORCE PLEA AGREEMENT

Counsel for Dante Bailey, Teresa Whalen, supplements its previously filed Motion to Enforce Plea Agreement and Memorandum filed at ECF 1050, government's response at ECF 1050, and defendant's reply at 1063 with the following:

Teresa Whalen, Esquire, hereby certifies the following:

1. That I am competent, over the age of eighteen (18) years, and I state these facts from personal knowledge.
2. On June 1, 2017, I was appointed by the Court, under the Criminal Justice Act, to represent Mr. Bailey in this matter, which began as a death-eligible case and resulted in a guilty finding by a jury on May 2, 2019.
3. My co-counsel in this matter is Paul Enzinna. I have been an attorney since 1983 and a criminal defense attorney for twenty-two years. Prior to criminal defense work, I was an Assistant State's Attorney for Montgomery County, Maryland for over thirteen years. I have been on this Court's Criminal Justice Act Panel since approximately 2000. I am one of two attorneys appointed to represent the panel on the Criminal Justice Act Committee, which is comprised of judges and the district public defender since 2012. I am also a member of the Criminal Justice Act Panel for the Court

EXHIBIT A

of Appeals of the Fourth Circuit. I have been a solo practitioner since 1997 and have focused most of my practice on criminal defense. Since 2010, I estimate 90% of my cases have been federal criminal defense work. For several years, my appointments have been to represent the lead defendant and/or to be Learned Counsel for a defendant with a death eligible count, such as the case of Mr. Bailey. The charges in these cases usually include one or more allegations of murder. In virtually every case, I have engaged in plea negotiations with the government and have developed a similar method of negotiating in each case. This method/routine was followed in the plea negotiation in Mr. Bailey's case.

4. The practice in this District regarding plea negotiations has been to begin the negotiations with the Assistant United States Attorney (hereinafter "AUSA"); if possible, reach an understanding of the terms of an offer; and, once there is an understanding, the AUSA sends a written agreement approved by a supervisor for the client's signature. On several occasions, however, negotiations have included a supervisor in the discussions; may include a tentative offer in which the AUSA indicates approval by a supervisor is still needed to make the offer; and/or the AUSA makes a verbal offer prior to the written agreement in which a supervisor has already been consulted and approved the verbal offer. This offer is then reduced to writing for the client's signature. In Mr. Bailey's case, supervisors were included in discussions and/or supervisors were involved in verbal offers.

5. On behalf of Mr. Bailey, Mr. Enzinna and I began plea negotiations before May 24, 2018. In an Email response to our inquiry, Assistant United States Attorney

Christina Hoffman indicated she did not think the government “could do better than 35-40 C plea”. *Exhibit 1*.

6. At a motions hearing on June 1, 2018, Michael Lawlor - who represented a co-defendant, Dontray Johnson - and I suggested to Ms. Hoffman a “wired” type plea in which most if not all defendants would accept plea offers. In response, Ms. Hoffman Emailed on June 18, 2018 that a wired plea was being discussed with supervisors (“running it up the chain”) but it was “not looking promising so far”. *Exhibit 2*.

7. Thereafter, Mr. Lawlor and I requested a meeting to discuss the terms of a plea agreement. Mr. Lawlor queried most of the attorneys representing defendants and provided a chart on July 19 regarding a desired plea by each defendant. *Exhibit 3*. On August 3, 2018, a conference call was held between supervisors, the two assigned AUSAs, Mr. Lawlor, and myself. I requested a Rule 11(C)(1)(c) plea offer to a range of 27 years to 35 years. The government indicated the top of the range (35) was too low, but they may be able to offer 27 years to 40 years. At this time, the government made clear they did not want plea offers to be “wired” because they did not want Mr. Bailey in any way influencing others to enter a guilty plea. We called the discussion a “global plea” because the goal was to get the best offers and hopefully many defendants, if not all would plead guilty. Mr. Lawlor requested a plea to 30 years. The AUSAs and supervisors indicated they would discuss these terms and get back to defense. Other plea agreements offered by the government to co-defendants had been to Counts One and Two of the Superseding Indictment. All anticipated these would be the counts the defendants would plead guilty to, rather than the Violence in Aid of Racketeering count that carried a mandatory life sentence.

8. On August 14, 2018 AUSA Hoffman called me and stated she believed the offer that would be approved was a “c” plea to a range of 27 to 40 years. Mr. Enzinna and I took this information to Mr. Bailey. *Exhibit 4*. At my request, AUSA Hoffman sent a proposed Statement of Facts that included all of the murders referenced in the Superseding Indictment. Ms. Hoffman noted he must admit to the James Edwards murder, a prerequisite for her getting further approval for the plea offer. *Exhibit 5a and b*.

9. On August 21, 2018, during a telephone call with Ms. Hoffman, I requested a “c” plea to 35 years. In an email on that same date, Ms. Hoffman indicated she had discussed this with supervisors and she “could probably get approval for a straight 37” but that “we’d prefer to stick with the 27 to 40 range”. *Exhibit 6*. By September 20, 2018 when a status letter was due to the court, Ms. Hoffman asked what Mr. Bailey’s status was regarding a trial or plea, thereby suggesting the range discussed was still acceptable as the most important term of the plea offer. Ms. Whalen indicated she was still talking to Mr. Bailey (about the verbal offer of 27 to 40 years) *Exhibit 7*.

10. Shortly thereafter, Mr. Enzinna and I requested Ms. Hoffman provide the standard letter from the United States Attorney’s Office setting forth the terms of the plea offer that had been discussed to take to Mr. Bailey for signature. A letter was not sent and thus, Mr. Enzinna called Ms. Hoffman on October 3, 2018. Directly after the call, Mr. Enzinna told me that Ms. Hoffman again said “no” to 35 years, but again reiterated the government will offer 27 to 40 and they will ask for 40 years. Mr. Enzinna also told me that he asked if the offer of 37 years was still “on the table” and she responded that it

was a good question. Mr. Enzinna said 27 to 40 years was offered, but she would get back to him on 37 years. *Exhibit 8*.

11. In response to my Email regarding a conflict with trial, Ms. Hoffman changed the offer and wrote: "We've been discussing your counter proposal with supervisors... We would accept a plea to a range of 27 to 40, or a straight 37, if" four co-defendants plead guilty. Given the complexity of this new "wired" offer to 37 years, I proposed that Mr. Bailey plead guilty to 27 to 40 years, with the government recommending 40 years, or the government recommend 37 years if the four co-defendants plead guilty. The government rejected this proposal. *Exhibit 9*. All parties knew that the co-defendants had been moved to local jails all over the state and thus, it would be near impossible for the four attorneys to quickly review the terms of this new plea offer. In addition, Mr. Bailey was still housed in Virginia – a three-hour drive for counsel. I requested Ms. Hoffman write up the 27 to 40 verbal offer to present this to Mr. Bailey for signature. *Exhibit 10*. As in every plea negotiation, the practice is to get a verbal offer that is then memorialized in writing to take to the client to sign. Supervisors were always involved in and had already approved the verbal offer of 27 to 40 years. See, *Exhibit 6 and 9* and paragraph 7, 8, and 9 above. Ms. Hoffman did not in any way indicate that this verbal offer was no longer valid, but instead, she noted she could not "get approval for a plea by Monday". This was in response to my earlier communications asking for the plea offer in writing to take to Mr. Bailey to sign on Monday.

12. Still waiting for the written offer to take to Mr. Bailey to sign, I Emailed Ms. Hoffman on October 9, 2018 asking again for the offer and noted I "fully expect him

to sign.” *Exhibit 11*. In a follow up telephone call, I told the government Mr. Bailey would accept the 27 to 40; asked the government to send a letter memorializing the terms of such an agreement; and made plans to take the written offer to Mr. Bailey. I also told the government that Mr. Bailey had signed the Statement of Facts provided by the government. In this District, the Statement of Facts is attached to a written plea offer letter and it requires the defendant’s signature. Notably, on this date when I discussed the plea offer, there was no mistaking what the offer was. The Emails turn on whether she could provide the offer in writing by the next morning.

13. Frustrated by the government’s delay in providing the written offer for signature, I contacted supervisors on October 10, 2018 noting “we cleared 27 to 40 with our client” and setting forth the status of the discussions. *Exhibit 12*. There was no response from the government.

14 After a conversation between Mr. Enzinna and Ms. Hoffman on October 29, 2018, Mr. Enzinna told me that Ms. Hoffman unilaterally withdrew the verbal offer made and stated she did not want Mr. Bailey to enter a guilty plea and proceed to trial against only his co-defendants. By now, the trial date had been continued to March 18, 2019.

15. There was a verbal offer to Mr. Bailey that included a term that he would receive between 27 to 40 years if he entered a guilty plea. Mr. Bailey fully intended to sign the written offer and both Mr. Enzinna and I told this to the government. This method of negotiating is the standard practice in plea negotiations in this District.

16. On January 23, 2019 immediately after a telephone call with Ms. Hoffman, Mr. Enzinna told me that he requested a meeting for all involved to discuss a

resolution with the co-defendants and Mr. Bailey's case. Mr. Enzinna told me that Ms. Hoffman refused to meet; the offers to the co-defendants were final; and the government would accept a plea from Mr. Bailey for 37 years incarceration.

17. Following a telephone call on February 6, 2019 between Ms. Hoffman and Mr. Enzinna, Mr. Enzinna told me that the government would not accept less than 37 years. In response, I Emailed Ms. Hoffman and asked her to "get us a formal offer for a "c" plea to 37 years so that we can take that to Mr. Bailey for his signature". *Exhibit 13*. I followed up and confirmed Mr. Bailey would sign a plea agreement. *Exhibit 14*. Several days later, Ms. Hoffman replied that they were "talking it over". Notably, the government did not in any way indicate this was not the offer discussed with Mr. Enzinna or correct Ms. Whalen's clear belief that the formal offer she was waiting for was to 37 years.


18. Again, the government failed to send anything in writing. On February 21, 2019, Mr. Enzinna and I sent a letter to the government and attached a plea agreement letter with a term that included the government's latest offer of 37 years. The plea agreement letter contained the exact language that the government includes in every written plea letter in this District. Mr. Enzinna and I made clear to the government that Mr. Bailey had signed the agreement and requested the government sign off as well. *Exhibit 15*. The government refused to do so and instead, on February 27, 2019 sent a written offer with a term of 45 years.

19. Mr. Bailey is 40 years old and as such, a 45year sentence would be a life sentence for him. On March 15, 2019, Mr. Enzinna and I spoke with Assistant United States Attorney Robert Harding. During that conversation, we offered to enter a guilty

plea to all counts pending against Mr. Bailey but for the Murder in Aid of Racketeering, which we requested the government dismiss. Under the terms of this offer, the government could ask for any sentence they thought appropriate, including a life sentence. The government rejected this offer. Mr. Bailey now faces a sentence of life imprisonment after having been found guilty of Count 3, Murder in Aid of Racketeering, after a jury trial.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 10/17/19


Teresa Whalen

From: Hoffman, Christina (USAMD) (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>
Cc: penzinna <penzinna@ellermanenzinna.com>; Perry, Lauren (USAMD) (USAMD) <Lauren.Perry@usdoj.gov>
Subject: Re: Dante Bailey - 2015.06.18 Arrest
Date: Thu, May 24, 2018 5:07 pm

Hi Teresa,

Sorry for the delay. I'm on vacation, returning to the office Tuesday. We're open to a plea, but I don't think we could do better than a 35-40 year C plea based on the number of murders, his leadership role, etc.

The officers will testify consistent with their reports. On 4/23/15, Detective Young received a tip from an anonymous caller who lived in the area. On 6/18/15, Sgt. Friend responded to a call that came over 911 dispatch. We have no information that Jenkins/GTTF were involved in either case.

Sent from my iPhone

On May 24, 2018, at 4:13 PM, Teresa Whalen <whalenesq@aol.com<<mailto:whalenesq@aol.com>>> wrote:

Christina,

Can you give me a call when you have a chance? With regard to the 6/18/15 and 4/23/15 stops, can you investigate and confirm whether the tips were indeed "anonymous" or were in fact from a member of the gun task force? How did the officers get those anonymous tips, for instance? I have reason to believe the gun task force, specifically Sgt Jenkins, was informed on a weekly basis what Mr. Bailey's work schedule was and was then conducting surveillance of him. To the extent the investigation in your office confirms any aspect of targeting Mr. Bailey and/or taking enforcement action against him that is questionable, I believe we should be provided that information.

Thanks,

Teresa

-----Original Message-----

From: Hoffman, Christina (USAMD) (USAMD)
<Christina.Hoffman@usdoj.gov<<mailto:Christina.Hoffman@usdoj.gov>>>
To: Teresa Whalen <whalenesq@aol.com<<mailto:whalenesq@aol.com>>>; penzinna
<penzinna@ellermanenzinna.com<<mailto:penzinna@ellermanenzinna.com>>>
Cc: Perry, Lauren (USAMD) (USAMD)
<Lauren.Perry@usdoj.gov<<mailto:Lauren.Perry@usdoj.gov>>>
Sent: Tue, May 22, 2018 7:16 pm
Subject: Dante Bailey - 2015.06.18 Arrest

Hi Teresa & Paul,

EXHIBIT A-1

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>; Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>
Subject: RE: Bailey
Date: Mon, Jun 18, 2018 5:14 pm

Hi Teresa,

We have been running the idea of a wired plea up the chain, but it's not looking promising so far. We'll keep you posted.

Best,

Christina

From: Teresa Whalen <whalenesq@aol.com>
Sent: Monday, June 18, 2018 4:33 PM
To: Perry, Lauren (USAMD) <LPerry1@usa.doj.gov>; Hoffman, Christina (USAMD) <choffman@usa.doj.gov>
Subject: Bailey

Hi Ladies,

Just following up on whether you have some thoughts on how to wrap these cases up....I believe I can sell anything that gives him the hope he can get below 30 for getting most or all to plead (whether that is a realistic hope is another story).

I will be around most of the week if you want to talk.

Thanks,

Teresa

EXHIBIT A-2

From: Michael Lawlor <mlawlor@verizon.net>

To: 'Hoffman, Christina (USAMD)' <Christina.Hoffman@usdoj.gov>; 'Perry, Lauren (USAMD)' <Lauren.Perry@usdoj.gov>

Cc: whalenesq <whalenesq@aol.com>

Subject: meeting tomorrow

Date: Thu, Jul 19, 2018 12:11 pm

Christina/Lauren – below is a chart that I've made regarding my conversations with each of the lawyers remaining in the case about a desired plea offer in the case.

A few notes – I left out my client and Teresa's figuring they are situated differently than the others and because we'll be at the meeting to discuss with you.

I did not call Jon Van Hoven as certain assumptions were made about his client.

I believe I told you previously about McKnett and Crawley's clients.

I talked to Chris Davis – his response was a little cryptic so I'll try to convey this tomorrow.

I did not get ahold of Mr. McDaniel for his client.

EXHIBIT A-3

Let me know if you have any questions.

See you tomorrow.

Mike

Client	Lawyer	Desired plea
Bailey	Whalen/Enzina	
Johnson	Lawlor/Madiou	
Spence	Purpura	15
Banks, W	Van Hoven	
Banks, R	Sardelli	Better than current offer
DeLeon	Crawford	7-10
Wedlock	Proctor	156 months
Lockley	Trainor	

		20; not to a homicide
Jenkins	Montemarano	120 months
Bowing	Bussard	10
Anderson	Amato	10
Lashely	Hawkins	180 months
Dent	Henslee	10-15
Jones	Christopher	168 months
Harrid	Ruter	120 months
Smith	Fischer	71 months
Bailey, T	McDaniel/Mayer	?
Tate	Giglottie	120 months
Pollock	Eisele	144 months
Davis	McKnett	FU
Blackwell	Burke	120 months
Torry	DeMartin	168 months
Lee	Burnham	240 months
Greer	Schreiber	120 months

Frazier	Davis	?
Lashely	Crawley	5; knows it a no go

6305 Ivy Lane

Suite 700

Greenbelt, MD 20770

301.474.0044 (phone)

301.474.5730 (fax)

From: Teresa Whalen <whalenesq@aol.com>

To: penzinna <penzinna@ellermanenzinna.com>

Date: Tue, Aug 14, 2018 5:12 pm

Christina just called and thinks she can get 27 to 40 year "c" plea. She will make deadline the day of motions. She wants to know if there is something he won't admit to and she will consider keeping it out of statement of facts. I can go see him next Tuesday or Wednesday. You?

Teresa

EXHIBIT A-4

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>
Cc: penzinna@ellermanenzinna.com <penzinna@ellermanenzinna.com>; Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>
Subject: RE:
Date: Wed, Aug 15, 2018 12:12 pm

Hi Teresa,

We can redact the names from the statement of facts. But the James Edwards murder will likely be a deal-breaker. Even if we agreed to take it out, I don't think OCGS would approve dismissal of the VICAR murder charge unless he admits to the murder. I wonder if he denies that he did it, denies that it happened the way it's alleged in the indictment, or worries what others will think if he admits to it. Perhaps we can discuss on the phone. I'll send you a draft SOF today.

Best,

Christina

From: Teresa Whalen <whalenesq@aol.com>
Sent: Wednesday, August 15, 2018 11:56 AM
To: Hoffman, Christina (USAMD) <choffman@usa.doj.gov>
Cc: penzinna@ellermanenzinna.com
Subject:

Christina,

Mr. Bailey may have a problem with the James Edwards murder as part of the statement of facts. I think keeping names out of the statement of facts will be helpful as well. We are scheduled to see him Tuesday. Thanks.

Teresa

EXHIBIT A-5a

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>; penzinna@ellermanenzinna.com
<penzinna@ellermanenzinna.com>
Cc: Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>
Subject: Dante Bailey, CCB-16-0267
Date: Wed, Aug 15, 2018 2:29 pm
Attachments: Bailey SOF Redacted.pdf (41K), Bailey SOF Unredacted.pdf (34K)

Hi Teresa & Paul,

Here are two versions of our proposed statement of facts – one with names redacted and one without. Give me a call when you have a chance to discuss. I haven't forwarded the offer to OCGS because I don't believe they will approve it unless he admits to the murder of James Edwards.

Best,

Christina

EXHIBIT A-5b

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>; penzinna@ellermanenzinna.com <penzinna@ellermanenzinna.com>
Cc: Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>
Subject: Dante Bailey
Date: Tue, Aug 21, 2018 6:37 pm

Hi Teresa,

Good talking to you earlier—thanks for the call. I talked it over with Lauren and the supervisors. Although we'd prefer to stick to the 27-40 range, we could probably get approval for a straight 37, but no lower. If he wants lower than that, I think it's going to be a trial. Let us know what you think.

Best,

Christina

EXHIBIT A-6

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>; penzinna@ellermanenzinna.com <penzinna@ellermanenzinna.com>
Cc: Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>
Subject: RE: Dante Bailey
Date: Thu, Sep 20, 2018 7:00 pm

No problem! Thanks for letting me know. I'll check with the Marshals, but I don't think they're equipped to handle him at any of the nearby facilities.

From: Teresa Whalen <whalenesq@aol.com>
Sent: Thursday, September 20, 2018 3:17 PM
To: Hoffman, Christina (USAMD) <choffman@usa.doj.gov>; penzinna@ellermanenzinna.com
Cc: Perry, Lauren (USAMD) <LPerry1@usa.doj.gov>
Subject: Re: Dante Bailey

Hi Christina,

We are still talking to him but for now we would have to say a trial. We can't get much traction with him still in NNRJ. Dave Ashton told me weeks ago he will bring him back up here...perhaps you can talk to him as well?

Teresa

-----Original Message-----

From: Hoffman, Christina (USAMD) (USAMD) <Christina.Hoffman@usdoj.gov>
To: whalenesq <whalenesq@aol.com>; penzinna <penzinna@ellermanenzinna.com>
Cc: Perry, Lauren (USAMD) (USAMD) <Lauren.Perry@usdoj.gov>
Sent: Wed, Sep 19, 2018 3:20 pm
Subject: Dante Bailey

Hi Teresa & Paul,

Judge Blake expects a status report from us by Friday. What's the latest on Bailey – he is going to trial Nov. 5 through Feb. 1?

EXHIBIT A-7

Subject: Re:

Date: Wednesday, October 3, 2018 at 9:08:04 PM Eastern Daylight Time

From: Teresa Whalen

To: Paul Enzinna

yes,
the number seems to be 37.

—Original Message—

From: Paul Enzinna <penzinna@ellermanenzinna.com>

To: Teresa Whalen <whalenesq@aol.com>

Sent: Wed, Oct 3, 2018 5:48 pm

Subject: Re:

I spoke with Christina, who said no to A straight 35. She said they will do 27 to 40, and asked for 40. I asked her if 37 is still on the table, and she said "that's a good question." Should we call Dante?

Paul F. Enzinna
Brown Rudnick, LLP

On Oct 3, 2018, at 12:25 PM, Teresa Whalen <whalenesq@aol.com> wrote:

I think so...do you want to take a crack at it?

—Original Message—

From: Paul Enzinna <penzinna@ellermanenzinna.com>

To: Teresa Whalen <whalenesq@aol.com>

Sent: Wed, Oct 3, 2018 12:20 pm

Subject: Re:

Should we check in with her?

Sent from my iPhone

On Oct 2, 2018, at 4:25 PM, Teresa Whalen <whalenesq@aol.com> wrote:

nothing from Christina...not sure what that means

EXHIBIT A-8

Subject: RE:

Date: Friday, October 5, 2018 at 11:28:32 AM Eastern Daylight Time

From: Hoffman, Christina (USAMD)

To: Teresa Whalen, Perry, Lauren (USAMD), Paul Enzinna

Hi Teresa & Paul,

I'm so sorry about the scheduling conflict. What a pain.

We've been discussing your counter proposal with supervisors & case agents, and here's where we are. We would accept a plea to a range of 27-40, or a straight 37, if Randy Banks, Devon Dent, Jamal Lockley, and Corloyd Anderson plead guilty. Unfortunately, they are all still at the table at his point.

I'm sorry it's not what you want to hear. We would be happy to resolve the cases, too. Maybe you can talk to the others about wrapping up their cases. I think the offers we've made are very generous.

Best,
Christina

From: Teresa Whalen <whalenesq@aol.com>

Sent: Friday, October 05, 2018 11:14 AM

To: Hoffman, Christina (USAMD) <choffman@usa.doj.gov>; Perry, Lauren (USAMD) <LPerry1@usa.doj.gov>; penzinna@ellermanenzinna.com

Subject:

Hi all,

I have a conflict that J. Bredar is going to sever my case if the Bailey case goes forward. I told him we are hopeful we can resolve Bailey. He pushed on the time frame and I said we are waiting on a response from the Gov. and we are trying to set up a phone call with Bailey today. He noted that J. Blake is not sitting Tuesday and it would be great if we could set something in on Bailey then....(no pressure here!).

Anyway, I can run to NNRJ with something for client to sign Monday.

Teresa

EXHIBIT A-9

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>
Cc: penzinna@ellermanenzinna.com <penzinna@ellermanenzinna.com>; Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>

Subject: Re:

Date: Fri, Oct 5, 2018 6:42 pm

I estimate 2 months with 7 defendants (although Sardelli is saying he won't stipulate to anything, which would add 1.5 weeks).

I can definitely send you the SOF in Word. I can't get approval for a plea by Monday (sorry!), but let's continue the conversation.

Sent from my iPhone

On Oct 5, 2018, at 2:45 PM, Teresa Whalen <whalenesq@aol.com<mailto:whalenesq@aol.com>> wrote:

I am back to back trials - like many of us. My problem with March is a state court murder re-trial. I will make some inquiries about whether that could be moved. I am in the cherry hill trial that is slated from 5/6 to October and motions in April. How long do you estimate?

Do you want to write up the 27 to 40 for me to take to him? Can you send me the statement of facts in word ...he wants all references to co-defendants out and some other changes that I can make and send to you.

Teresa

-----Original Message-----

From: Hoffman, Christina (USAMD) (USAMD)
 <Christina.Hoffman@usdoj.gov<mailto:Christina.Hoffman@usdoj.gov>>
To: Teresa Whalen <whalenesq@aol.com<mailto:whalenesq@aol.com>>; Perry, Lauren (USAMD) (USAMD) <Lauren.Perry@usdoj.gov<mailto:Lauren.Perry@usdoj.gov>>; penzinna <penzinna@ellermanenzinna.com<mailto:penzinna@ellermanenzinna.com>>
Sent: Fri, Oct 5, 2018 2:03 pm
Subject: RE: Re:

(I believe all the other defense attorneys are available for the March trial date. Our preference is still Nov. 5, but I'm trying to figure out if there are other solutions to this scheduling chaos.)

From: Hoffman, Christina (USAMD)
Sent: Friday, October 05, 2018 1:58 PM
To: 'Teresa Whalen' <whalenesq@aol.com<mailto:whalenesq@aol.com>>; Perry, Lauren (USAMD) <LPerry1@usa.doj.gov<mailto:LPerry1@usa.doj.gov>>; penzinna@ellermanenzinna.com<mailto:penzinna@ellermanenzinna.com>
Subject: RE: Re:

I'm so sorry, but we can't agree to it at this point. I can't get any firm commitments from the other

EXHIBIT A-10

From: Teresa Whalen <whalenesq@aol.com>

To: Christina.Hoffman <Christina.Hoffman@usdoj.gov>; Lauren.Perry <Lauren.Perry@usdoj.gov>

Cc: penzinna <penzinna@ellermanenzinna.com>

Subject: Re:

Date: Tue, Oct 9, 2018 3:54 pm

Hi Christina,

Since I have to plan a whole day for a trip, can you estimate when you will have an offer? I fully expect him to sign and then we won't need to deal with the second trial date.

Teresa

—Original Message—

From: Hoffman, Christina (USAMD) (USAMD) <Christina.Hoffman@usdoj.gov>

To: Teresa Whalen <whalenesq@aol.com>; Perry, Lauren (USAMD) (USAMD) <Lauren.Perry@usdoj.gov>

Cc: penzinna <penzinna@ellermanenzinna.com>

Sent: Tue, Oct 9, 2018 3:48 pm

Subject: RE:

Hello!

I'm sorry to say I'm not going to be able to get you a plea offer in time for tomorrow's visit. However, we've now had three defense attorneys (Harry Trainor, Brian Sardelli, and Paul Hazlehurst) reach out to us and say they plan to file motions to continue to the spring trial (March 18 – May 5). Elita Amato, Chris Davis, and Marshall Henslee also say they prefer the spring trial. Assuming you are able to reschedule your county murder trial, we are starting to think it might make the most sense to set all 7 defendants in for trial on March 18. What do you think? Our preference is still November 5, but not if we have to put the witnesses through two trials.

Let us know what you think. Thank you!
Christina

From: Teresa Whalen <whalenesq@aol.com>

Sent: Tuesday, October 09, 2018 3:39 PM

To: Perry, Lauren (USAMD) <LPerry1@usa.doj.gov>; Hoffman, Christina <choffman@usa.doj.gov>

Cc: penzinna@ellermanenzinna.com

Subject:

I can go to NNRJ tomorrow if you can get me the plea offer before 9:45 am?

Teresa

*TJ call
accepted
27-40*

EXHIBIT A-11

From: Teresa Whalen <whalenesq@aol.com>

To: christina.hoffman <christina.hoffman@usdoj.gov>; lauren.perry <lauren.perry@usdoj.gov>

Cc: Robert.Harding <Robert.Harding@usdoj.gov>; kenneth.clark <kenneth.clark@usdoj.gov>; penzinna <penzinna@ellermanenzinna.com>

Subject: Bailey

Date: Wed, Oct 10, 2018 4:19 pm

Hi everyone,

In a conversation with Ken, I mentioned perhaps all of us sitting down for 10-15 minutes to try to figure out a plea. Based upon the emails recently, we cleared 27 to 40 with our client who asked us to request a specific number - 35 or 37. He knows you will be asking for 40. Our understanding was that 35 was "No" and 37 was only if we could get the others to take the offer made to them. For many reasons, we feel like we can't guarantee the others will sign a deal before our client signs. We believe there is a much better chance they will plea if Dante goes to court and the plea is done. We could have had a signed deal as set forth above last week and still can get one if we could get something to sign!!

Paul and I have time to sit down tomorrow if you can meet.

Judge Bredar and Jim Walner are waiting on this case to determine if I am available for a trial 11/26....so, I have an interest in getting answers to them. Pushing this off to the next trial date may do more harm than good as Mr. Bailey is ready now to take responsibility.

We feel like we have a sure thing that keeps slipping away as the time passes. Thanks.

Teresa

EXHIBIT A-12

From: Teresa Whalen <whalenesq@aol.com>

To: christina.hoffman <christina.hoffman@usdoj.gov>; lauren.perry <lauren.perry@usdoj.gov>

Cc: penzinna <penzinna@ellermanenzinna.com>

Date: Wed, Feb 6, 2019 8:27 pm

Christina and Lauren,

Paul told me he discussed a plea for 35 years with you and the response was that the government will not offer less than 37. Please get us a formal offer for a "c" plea to 37 years so we can take that to Mr. Bailey for his signature. Thanks.

Teresa

EXHIBIT A-13

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>
Cc: penzinna@ellermanenzinna.com <penzinna@ellermanenzinna.com>; Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>

Subject: Re:

Date: Sun, Feb 10, 2019 4:57 pm

Hi, Teresa. We did get your email. Sorry for the delay. We're talking it over. We're out of town until Wednesday for witness prep but we'll be back in touch then.

Christina A. Hoffman
 Assistant U.S. Attorney, District of Maryland
 36 S. Charles St., 4th Floor
 Baltimore, Maryland 21201
 (410) 209-4871

Sent from my iPhone

On Feb 8, 2019, at 3:18 PM, Teresa Whalen <whalenesq@aol.com<<mailto:whalenesq@aol.com>>> wrote:

Hi Christina,

Are you able to share what happened with Tiffany Bailey today? Will her sentencing be reset soon? And, just a follow up to be sure you rec'd my email that we believe Mr. Bailey will sign a "c" plea for 37 years.

Thanks,

Teresa

EXHIBIT A-14



202.753.5553 • ellermanenzinna.com

February 21, 2019

1050 30th Street, NW
Washington, DC 20007

Christina Hoffman
Lauren Perry
Assistant United States Attorneys
36 S. Charles Street
Suite 400
Baltimore, MD 21201-3119

Re: United States v. Dante Bailey, No. 16-cr-267

Dear Ms. Hoffman and Ms. Perry:

This letter is written pursuant to the provisions of Federal Rules of Criminal Procedure 11 and Federal Rule of Evidence 410.

For the past several months, we have engaged with you in negotiations over a potential guilty plea by our client, Dante Bailey. Those negotiations have resulted in agreement on all of the material terms of such an agreement – Mr. Bailey would enter a (c) plea guilty to Count 1 of the Second Superseding Indictment, for which he would receive a sentence of 37 years' imprisonment. Mr. Bailey has also agreed to the Statement of Facts you have proposed. Enclosed for your signature is a plea agreement, executed by Mr. Bailey and by us as his counsel, memorializing the terms to which we have agreed, and containing the standard terms to which the government routinely requires a defendant to agree in a standard plea offer in this District (in fact, these terms were taken directly from the plea agreement signed by co-defendant Dontray Johnson in this case).

We are taking the extraordinary step of submitting this agreement to you because although we have agreed on its terms, you have refused to provide us with a written offer. Instead, you have told us you will not accept Mr. Bailey's plea unless and until co-defendants Corloyd Anderson, Randy Banks, Devon Dent, and Jamal Lockley accept the plea offers you have extended to them. Although this unilaterally-imposed condition has nothing to do with Mr. Bailey, who is powerless to fulfill it, you have stated that this is your position because it would be "best for the case as a whole" for Mr. Bailey to be present should you be required to try the case against these other individuals. At the same time, it is our understanding that you have not "wired" the pleas of Messrs. Anderson, Banks, Dent, and Lockley – *i.e.*, you will accept each of their pleas whether or not the other plead, but you will not accept Mr. Bailey's unless each of them pleads. This is fundamentally unfair and is not a position we have ever seen your office take in years of negotiating guilty pleas in serious cases.

EXHIBIT A-15

JA6586

Christina Hoffman
Lauren Perry
February 21, 2019



We do not believe your position is appropriate, or tenable, for several reasons. *First*, it is simply unfair to refuse to accept a defendant's offer to plead guilty – on terms you have acknowledged are acceptable to the government – because *other* defendants have not pled. Mr. Bailey is powerless to control his co-defendant's decisions, and those decisions do not bear on the question whether the agreement we have reached with regard to Mr. Bailey is an appropriate resolution of his case. Instead, it appears that you believe that if you are forced to try the case against one or more of Mr. Bailey's co-defendants, the government would obtain some tactical advantage by forcing him to trial despite his desire to plead guilty. We believe that it is inappropriate to make the government's tactical advantage against *other* defendants the determining factor in rejecting a plea agreement. See United States Attorneys' Manual § 9-27.420. We believe this is particularly true here, where Mr. Bailey faces a life sentence if convicted at trial.¹

Second, the parties have reached a meeting of the minds on a plea agreement. This is clear from the history of our negotiations.

On March 30, 2018, your office notified us that the Department of Justice had authorized the case to proceed without the government seeking the death penalty. At a motions hearing on June 1, 2018, Mike Lawlor and Teresa Whalen had a brief discussion with you, which included discussion of the possibility that others would plead guilty if Messrs. Bailey and Johnson entered guilty pleas. On June 18, 2018, in response to an email expressing Mr. Bailey's desire to get below 30 for getting others to plead guilty, Ms. Hoffman indicated she was "running the idea of a wired plea up the chain", but it was "not looking promising so far". *Exhibit 1*. Thereafter, Mr. Lawlor and Ms. Whalen contacted most of the attorneys and gathered information on terms they were looking for in a guilty plea. This information was provided to you on July 19, 2018. *Exhibit 2*.

On August 3, 2018, in a telephone conference with Ms. Whalen and Michael Lawlor, you offered Mr. Bailey a (c) plea to 27-40 years' imprisonment. You specifically stated that you did not want Mr. Bailey to influence co-defendants to enter a guilty plea. Thus, although we had been talking about a possible "wired plea", that concept was not a part of the offer extended, as is clear from the fact that the fact Mr. Johnson accepted his plea offer and has already been sentenced.

On August 7, 2018, Mr. Lawlor asked the status and you responded that you were "still in the process of talking to all the other defense counsel". *Exhibit 3*. Soon thereafter, you contacted Ms. Whalen and indicated you could make the offer of 27-40 years, but you expect that Mr. Bailey will agree to the murders as part of the Statement of Facts.

¹ The U.S. Sentencing Guidelines provide for a 2-level reduction in Offense Level for a defendant who "clearly demonstrates acceptance of responsibility for his offense." U.S.S.G. § 3E.1. This reduction is not conditioned on a guilty plea, nor is it foreclosed by trial. Therefore, if Mr. Bailey is required to go to trial, and if he is convicted, we will ask for a two-level reduction, pursuant to U.S.S.G. § 3E1.1(a), at sentencing. Given that we have been notifying you that he will and has accepted the terms discussed above for months now, we will also request that the government make a motion for an additional one-level reduction pursuant to U.S.S.G. § 3E1.1(b).

Christina Hoffman
Lauren Perry
February 21, 2019

ELLERMAN ENZINNA PLLC

On August 15, 2019, we noted there might be a problem with including the James Edwards murder and you stated that would be a problem for the government. *Exhibit 4.*

The plea offer of 27 to 40 years was conveyed to Mr. Bailey, who was considering the offer. There was no deadline associated with this offer. On August 21, 2019, following an inquiry from Ms. Whalen about a specific number rather than 27 to 40, you responded by stating while the government prefers "the 27–40 range," you could probably get approval for "a straight 37, but no lower." *Exhibit 5.* This was conveyed to Mr. Bailey, who was considering these offers at the time of the status report to Judge Blake on September 21, 2018. *Exhibit 6.* After meeting with our client on September 28, 2018, we told you our client would accept a plea to 35 years, but in a conversation with Mr. Enzinna on October 3, 2018, you rejected that offer, saying that the government would accept Mr. Bailey's plea to a range of 27-40 years, in which case the government would recommend a sentence of 40 years. When Mr. Enzinna asked if the offer of 37 years remained on the table, you responded, "[t]hat's a good question." In this conversation, there was no discussion of a "wired" plea.

On October 5, 2018, before we had had an opportunity to discuss your offer with Mr. Bailey, you changed the offer. Now, you told Ms. Whalen in response to whether the 37 years remained on the table, that you "would accept a plea to a range of 27-40, or a straight 37, if Randy Banks, Devon Dent, Jamal Lockley, and Corloyd Anderson plead guilty." Our response was that it would be too difficult to get everyone on board so quickly because the defendants had been moved out of Baltimore. We requested the plea to 27 to 40 years, with the government recommending 37 if the others plead guilty before sentencing. You rejected this proposal, and we then asked you to write up the offer of 27 to 40 years to take to Mr. Bailey on Monday. You indicated you could not get approval by Monday, but the offer had already been approved. *Exhibit 7.* Thus, we believe we accepted the offer of 27 to 40 years at this point and it was incumbent upon you to get that in writing. In fact, we told you on October 9, 2018 that Mr. Bailey will sign the plea offer and that we would not have to deal with moving the trial date. *Exhibit 8.* The next day, we made sure everyone understood that we had accepted a plea for 27 to 40 because we could not guarantee the co-defendants would sign a plea in order for us to accept the offer of 37. We asked to meet to discuss this, but there was never a reply. *Exhibit 9.*

The case was then continued. Despite believing we had a plea agreement that simply needed to be put in writing, we nevertheless spent considerable time working with the co-defendants' attorneys to see if we could bring everyone together to present a global resolution of the case. On January 23, 2019, Mr. Enzinna called you to say that we had spoken with counsel for Corloyd Anderson, Randy Banks, Devon Dent, and Jamal Lockley, and proposing dates for a meeting between you and all counsel to discuss a global resolution to the case. You stated that you were not interested in holding such a meeting, because the offers you had made to the defendants were final, and there would be no further negotiation. However, you indicated that you would accept a plea from Mr. Bailey for 37 years.

Christina Hoffman
Lauren Perry
February 21, 2019

 **ELLERMAN ENZINNA** PLLC

Following a meeting with Mr. Bailey, we called you and made a counter-offer of 35 years' incarceration. You declined this but again stated Mr. Bailey could plead to 37 years. We asked you to send us the formal offer for 37 years so that Mr. Bailey could sign the document. *Exhibit 10*. Your response, more than a week later, was to state that although we had reached agreement on the terms of a plea agreement for Mr. Bailey, you would not extend a formal written offer unless and until Messrs. Anderson, Banks, Dent, and Lockley pled.

In light of the facts, we hope that you will agree that permitting Mr. Bailey to plead guilty to the terms on which we have agreed is the appropriate resolution of the charges against him, whether or not his co-defendants plead, and that you will execute the agreement we are providing. As a practical matter, a 37-year sentence would put him in prison until his late-70s, meaning that Mr. Bailey will likely die in prison in any event. But if you are unwilling to proceed with Mr. Bailey's plea, we will request a meeting with your supervisors to discuss the matter and, if necessary, will file a motion with the Court to enforce the plea agreement.

Sincerely

ELLERMAN ENZINNA, PLLC



Paul F. Enzinna



Teresa Whalen

TERESA WHALEN
ATTORNEY AT LAW
801 WAYNE AVENUE
SUITE 400
SILVER SPRING, MARYLAND 20910

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Maryland
District of Columbia

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February 14, 2019

Ms. Christina Hoffman
Ms. Lauren Perry
Assistant United States Attorneys
36 S. Charles St.
Suite 400
Baltimore, Maryland 21201-3119

Re: United State v. Dante Bailey,
Criminal No. CCB-16-0267 (D. MD.)

Dear Counsel:

This letter, together with the Sealed Supplement, confirms the plea agreement (this "Agreement") that has been offered to Dante Bailey (hereinafter "Defendant") by the United States Attorney's Office for the District of Maryland ("this Office"). The terms of the Agreement are as follows:

Offenses of Conviction

1. The Defendant agrees to plead guilty to Counts One and Two of the Second Superseding Indictment, in which he is charged with racketeering conspiracy, in violation of 18 U.S.C. §1962(d), and conspiracy to distribute controlled substances, in violation of 21 U.S.C. §846. The Defendant admits that the Defendant is, in fact, guilty of the offenses and will so advise the Court.

Elements of the Offenses

2. The elements of the offenses to which the Defendant has agreed to plead guilty, and which this Office would prove if the case went to trial, are as follows:

Count One: Racketeering Conspiracy, 18 U.S.C. §1962(d)

That from in or about 2011 continuing until on or about the date of the Second Superseding Indictment, in the District of Maryland,

- a. an enterprise existed as alleged in the Second Superseding Indictment;
- b. the enterprise affected interstate or foreign commerce;
- c. the Defendant was associated with or employed by the enterprise; and
- d. the Defendant knowingly and willfully conspired with one or more persons to conduct and participate in the affairs of the enterprise through a pattern of racketeering activity.

Count Two: Drug Trafficking Conspiracy, 21 U.S.C. §846

That from in or about 2011 continuing until or about the date of the Second Superseding Indictment, in the District of Maryland,

- a. an agreement existed between two or more persons to violate the drug laws of the United States by distributing or possessing with the intent to distribute heroin and cocaine base;
- b. that the Defendant was a party to, or member of, that agreement;
- c. that it was foreseeable to the Defendant that the conspiracy would distribute one kilogram or more of heroin and 280 grams or more of cocaine base; and
- d. the Defendant knowingly entered into that agreement.

Penalties

3. The maximum penalties provided by statute for the offenses to which the Defendant is pleading guilty are as follows:

COUNT	STATUTE	MAND.MIN. IMPRISON- MENT	MAX IMPRISON- MENT	MAX SUPERVISED RELEASE	MAX FINE	SPECIAL ASSESS- MENT
1	18 U.S.C. § 1962(d)	N/A	Life	5 years	\$250,000	\$100
2	21 U.S.C. § 846	10 years	Life	5 years	\$10 million	\$100

a. Prison: If the Court orders a term of imprisonment, the Bureau of Prisons has sole discretion to designate the institution at which it will be served.

b. Supervised Release: If the Court orders a term of supervised release, and the Defendant violates the conditions of supervised release, the Court may order the Defendant returned to custody to serve a term of imprisonment up to the entire original

term of supervised release if permitted by statute, followed by an additional term of supervised release.

c. Restitution: The Court may order the Defendant to pay restitution pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

d. Payment: If a fine or restitution is imposed, it shall be payable immediately, unless the Court orders otherwise under 18 U.S.C. § 3572 (d). The Defendant may be required to pay interest if the fine is not paid when due.

e. Forfeiture: The Court may enter an order of forfeiture of assets directly traceable to the offense, substitute assets, and/or a money judgment equal to the value of the property subject to the forfeiture.

f. Collection of debts: If the Court imposes a fine or restitution, this Office's Financial Litigation Unit will be responsible for collecting the debt. If the Court establishes a schedule of payments, the Defendant agrees that: (1) the full amount of the fine or restitution is nonetheless due and owing immediately; (2) the schedule of payments is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment; and (3) the United States may fully employ all powers to collect on the total amount of the debt as provided by law. Until the debt is paid, the Defendant agrees to disclose all assets in which the Defendant has any interest or over which the Defendant exercises direct or indirect control. Until the money judgment is satisfied, the Defendant authorizes this Office to obtain a credit report in order to evaluate the Defendant's ability to pay, and to request and review the Defendant's federal and state income tax returns. The Defendant agrees to complete and sign a copy of IRS Form 8821 (relating to the voluntary disclosure of federal tax return information) and a financial statement in a form provided by this Office.

Waiver of Rights

4. The Defendant understands that by entering into this Agreement, the Defendant surrenders certain rights as outlined below:

a. If the Defendant had pled not guilty and persisted in that plea, the Defendant would have had the right to a speedy jury trial with the close assistance of competent counsel. That trial could be conducted by a judge, without a jury, if the Defendant, this Office, and the Court all agreed.

b. If the Defendant elected a jury trial, the jury would be composed of twelve individuals selected from the community. Counsel and the Defendant would have the opportunity to challenge prospective jurors who demonstrated bias or who were otherwise unqualified, and would have the opportunity to strike a certain number of jurors peremptorily. All twelve jurors would have to agree unanimously before the Defendant could be found guilty of any count. The jury would be instructed that the

Defendant was presumed to be innocent, and that presumption could be overcome only by proof beyond a reasonable doubt.

c. If the Defendant went to trial, the government would have the burden of proving the Defendant guilty beyond a reasonable doubt. The Defendant would have the right to confront and cross-examine the government's witnesses. The Defendant would not have to present any defense witnesses or evidence whatsoever. If the Defendant wanted to call witnesses in defense, however, the Defendant would have the subpoena power of the Court to compel the witnesses to attend.

d. The Defendant would have the right to testify in the Defendant's own defense if the Defendant so chose, and the Defendant would have the right to refuse to testify. If the Defendant chose not to testify, the Court could instruct the jury that they could not draw any adverse inference from the Defendant's decision not to testify.

e. If the Defendant were found guilty after a trial, the Defendant would have the right to appeal the verdict and the Court's pretrial and trial decisions on the admissibility of evidence to see if any errors were committed which would require a new trial or dismissal of the charges. By pleading guilty, the Defendant knowingly gives up the right to appeal the verdict and the Court's decisions.

f. By pleading guilty, the Defendant will be giving up all of these rights, except the right, under the limited circumstances set forth in the "Waiver of Appeal" paragraph below, to appeal the sentence. By pleading guilty, the Defendant understands that the Defendant may have to answer the Court's questions both about the rights being given up and about the facts of the case. Any statements that the Defendant makes during such a hearing would not be admissible against the Defendant during a trial except in a criminal proceeding for perjury or false statement.

g. If the court accepts the Defendant's plea of guilty, the Defendant will be giving up the right to file and have the Court rule on pretrial motions, and there will be no further trial or proceeding of any kind in the above-referenced criminal case, and the Court will find the Defendant guilty.

h. By pleading guilty, the Defendant will also be giving up certain valuable civil rights and may be subject to deportation or other loss of immigration status, including possible denaturalization. The Defendant recognizes that if the Defendant is not a citizen of the United States, or is a naturalized citizen, pleading guilty may have consequences with respect to the Defendant's immigration status. Under federal law, conviction for a broad range of crimes can lead to adverse immigration consequences, including automatic removal from the United States. Removal and other immigration consequences are the subject of a separate proceeding, however, and the Defendant understands that no one, including the Defendant's attorney or the Court, can predict with certainty the effect of a conviction on immigration status. The Defendant is not relying on any promise or belief about the immigration consequences of pleading guilty. The

Defendant nevertheless affirms that the Defendant wants to plead guilty regardless of any potential immigration consequences.

Advisory Sentencing Guidelines Apply

5. The Defendant understands that the Court will determine a sentencing guideline range for this case (henceforth the “advisory guidelines range”) pursuant to the Sentencing Reform Act of 1984 at 18 U.S.C. § 3551-3742 (excepting 18 U.S.C. § 3553(b)(1) and 3742(e)) and 28 U.S.C. §§ 991 through 998. The Defendant further understands that the Court will impose a sentence pursuant to the Sentencing Reform Act, as excised, and must take into account the advisory guidelines range in establishing a reasonable sentence.

Factual and Advisory Guidelines Stipulation

6. a. This Office and the Defendant stipulate and agree to the Statement of Facts set forth in Attachment A, which is incorporated by reference herein. This Office and the Defendant further stipulate and agree that pursuant to U.S.S.G. § 2E1.1(a), the offense level for racketeering conspiracy is the greater of offense level 19 or the offense level applicable to the underlying racketeering activity. Pursuant to U.S.S.G. § 1B1.3, the underlying racketeering activities in this case involve acts, committed, aided, abetted, counseled, commanded, induced, or willfully caused by the Defendant, as well as all those acts reasonably foreseeable to him in furtherance of the jointly undertaken criminal enterprise, and include, among others:

- i. Murder, chargeable under MD. Code Ann., Crim. Law §§ 2-201, 2-204, 2-205, 2-206, and under the Common Law of Maryland punishable pursuant to Md. Code Ann., Crim. Law §§ 1-201, 1-202;
- ii. Conspiracy to distribute and possess with the intent to distribute heroin and cocaine base, in violation of 21 U.S.C. § 846(b)(1)(A); and
- iii. Distribution and possession with intent to distribute heroin and cocaine base, in violation of 21 U.S.C. § 841(b).

With respect to the murder of James Edwards, the base offense level is 43 pursuant to U.S.S.G. § 2A1.1(a). With respect to the conspiracy to distribute and possess with intent to distribute heroin and cocaine base, the base offense level is 30 pursuant to U.S.S.G. § 2D1.1(c)(5).

b. Pursuant to U.S.S.G. § 2E1.1 n.1, each underlying racketeering offense is treated as a separate count of conviction. This Office and the Defendant stipulate and agree that the combined offense level is 45 pursuant to U.S.S.G. § 3D1.4.

c. This Office does not oppose a **2-level reduction** in the Defendant's adjusted offense level pursuant to U.S.S.G. § 3E1.1(a), based upon the Defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for the Defendant's criminal conduct. This Office agrees to make a motion pursuant to U.S.S.G. § 3E1.1(b) for an additional one level decrease in recognition of the Defendant's acceptance of personal responsibility for the Defendant's conduct. This Office may oppose any adjustment for acceptance of responsibility under U.S.S.G. § 3E1.1(a) and may decline to make a motion pursuant to U.S.S.G. § 3E1.1(b), if the Defendant: (i) fails to admit each and every item in the factual stipulation; (ii) denies involvement in the offense; (iii) gives conflicting statements about the Defendant's involvement in the offense; (iv) is untruthful with the Court, this Office, or the United States Probation Office; (v) obstructs or attempts to obstruct justice prior to sentencing; (vi) engages in any criminal conduct between the date of this Agreement and the date of sentencing; (vii) attempts to withdraw the plea of guilty; or (viii) violates this Agreement in any way.

7. There is no agreement as to the Defendant's criminal history and the Defendant understands that the Defendant's criminal history could alter the Defendant's offense level. Specifically, the Defendant understands that the Defendant's criminal history could alter the final offense level of the Defendant is determined to be a career offender or if the instant offense was a part of a pattern of criminal conduct from which the Defendant derived a substantial portion of the Defendant's income.

8. Other than as set forth above, no other offense characteristics, sentencing guidelines factors, potential departures or adjustments set forth in the United States Sentencing Guidelines are in dispute or will be raised in calculating the advisory guidelines range.

9. The parties stipulate and agree pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) that a sentence of **444 months of incarceration in the custody of the Bureau of Prisons** is the appropriate disposition of this case taking into consideration the nature and circumstances of the offense, the Defendant's criminal history, and all of the other factors set forth in 18 U.S.C. § 3553(a). This Agreement does not affect the Court's discretion to impose any lawful term of supervised release or fine or to set any lawful conditions of probation or supervised release. In the event that the Court rejects this Agreement, except under the circumstances noted below, either party may elect to declare the Agreement null and void. Should the Defendant so elect, the Defendant will be afforded the opportunity to withdraw his plea pursuant to the provisions of Federal Rule of Criminal Procedure 11(c)(5). The parties agree that if the Court finds that the Defendant engaged in obstructive or unlawful behavior and/or failed to acknowledge personal responsibility as set forth herein, neither the Court nor the Government will be bound by the specific sentence contained in this Agreement, and the Defendant will not be able to withdraw his plea.

Obligations of the Parties

background, character, and conduct that this Office deems relevant to sentencing, including the conduct that is the subject of any counts of the Indictment. At the time of sentencing, this Office will move to dismiss any open counts against the Defendant.

Waiver of Appeal

11. In exchange for the concessions made by this Office and the Defendant in this Agreement, this Office and the Defendant waive their rights to appeal as follows:

a. The Defendant knowingly waives all right, pursuant to 28 U.S.C. § 1291 or any other statute or constitutional provision, to appeal the Defendant's conviction on any ground whatsoever. This includes a waiver of all right to appeal the Defendant's conviction on the ground that the statute(s) to which the Defendant is pleading guilty is unconstitutional, or on the ground that the admitted conduct does not fall within the scope of the statute(s).

b. The Defendant and this Office knowingly and expressly waive all rights conferred by 18 U.S.C. § 3742 to appeal whatever sentence is imposed (including any term of imprisonment, fine, term of supervised release, or order of restitution) for any reason (including the establishment of the advisory sentencing guidelines range, the determination of the Defendant's criminal history, the weighing of the sentencing factors, and any constitutional challenges to the calculation and imposition of any term of imprisonment, fine, order of forfeiture, order of restitution, and term or condition of supervised release), except as follows:

(i) The Defendant reserves the right to appeal any sentence that exceeds the statutory maximum; and

(ii) This Office reserves the right to appeal any sentence below a statutory minimum; and

(iii) The Defendant reserves the right to appeal the sentence of imprisonment if the total term of imprisonment exceeds 444 months; and

(iv) This Office reserves the right to appeal the sentence of imprisonment if the total term of imprisonment is less than 444 months.

c. The Defendant waives any and all rights under the Freedom of Information Act relating to the investigation and prosecution of the above-captioned matter and agrees not to file any request for documents from this Office or any investigating agency.

Forfeiture

12. a. The Defendant understands that the Court may enter an Order of Forfeiture as part of the Defendant's sentence, and that the Order of Forfeiture may

12. a. The Defendant understands that the Court may enter an Order of Forfeiture as part of the Defendant's sentence, and that the Order of Forfeiture may include assets directly traceable to the offense(s), substitute assets, and/or a money judgment equal to the value of the property derived from, or otherwise involved in, the offenses.

b. Specifically, but without limitation on the government's right to forfeit all property subject to forfeiture as permitted by law, the Defendant agrees to forfeit to the United States all of the Defendant's right, title, and interest in the following items that the Defendant agrees constitutes money, property, and/or assets derived from or obtained by the Defendant as a result of, or used to facilitate the commission of, the Defendant's illegal activities, including: any and all firearms and ammunition seized in connection with this conspiracy.

c. The Defendant agrees to consent to the entry of orders of forfeiture for the property described in the two above subparagraphs and waives the requirements of Federal Rules of Criminal Procedure 11(b)(1)(J), 32.2, and 43(a) regarding notice of the forfeiture in the charging instrument, advice regarding the forfeiture at the change-of-plea hearing, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment.

d. The Defendant agrees to assist fully in the forfeiture of the above property. The Defendant agrees to disclose all assets and sources of income, to consent to all requests for access to information related to assets and income, and to take all steps necessary to pass clear title to the forfeited assets to the United States, including executing all documents necessary to transfer such title, assisting in bringing any assets located outside of the United States within the jurisdiction of the United States, and taking whatever steps are necessary to ensure that assets subject to forfeiture are made available for forfeiture.

e. The Defendant waives all challenges to any forfeiture carried out in accordance with this Agreement on any grounds, including any and all constitutional, legal, equitable, statutory, or administrative grounds brought by any means, including through direct appeal, habeas corpus petition, or civil complaint. The Defendant will not challenge or seek review of any civil or administrative forfeiture of any property subject to forfeiture under this Agreement, and will not assist any third party with any challenge or review or any petition for remission of forfeiture.

Defendant's Conduct Prior to Sentencing and Breach

13. a. Between now and the date of the sentencing, the Defendant will not engage in conduct that constitutes obstruction of justice under U.S.S.G. § 3C1.1; will not violate any federal, state, or local law; will acknowledge guilty to the probation officer and the Court; will be truthful in any statement to the Court, this Office, law enforcement

b. If the Defendant engages in conduct prior to sentencing that violates the above paragraph of this Agreement, and the Court finds a violation by a preponderance of the evidence, then: (i) this Office will be free from its obligations under this Agreement; (ii) this Office may make sentencing arguments and recommendations different from those set out in this Agreement, even if the Agreement was reached pursuant to Rule 11(c)(1)(C); and (iii) in any criminal or civil proceeding, this Office will be free to use against the Defendant all statements made by the Defendant and any of the information or materials provided by the Defendant, including statements, information, and materials provided pursuant to this Agreement, and statements made during proceedings before the Court pursuant to Rule 11 of the Federal Rules of Criminal Procedure. A determination that this Office is released from its obligations under this Agreement will not permit the Defendant to withdraw the guilty plea. The Defendant acknowledges that the Defendant may not withdraw the Defendant's guilty plea – even if made pursuant to Rule 11(c)(1)(C) – if the Court finds that the Defendant breached the Agreement. In that event, neither the Court nor the Government will be bound by the specific sentence or sentencing range agreed and stipulated to herein pursuant to Rule 11(c)(1)(C).

Court Not a Party

14. The Court is not a party to this Agreement. The sentence to be imposed is within the sole discretion of the Court. The Court is not bound by the Sentencing Guidelines stipulation in this Agreement. The Court will determine the facts relevant to sentencing. The Court is not required to accept any recommendation or stipulation of the parties. The Court has the power to impose a sentence up to the maximum penalty allowed by law. In the event the Court rejects this Rule 11(c)(1)(C) plea agreement, the Defendant will be informed that he may withdraw his plea pursuant to 11(c)(5)(C). If he persists in the guilty plea thereafter, the Defendant understands that the disposition of the case may be less favorable than that contemplated by this Agreement. Neither the prosecutor, defense counsel, nor the Court can make a binding prediction, promise, or representation as to what guidelines range or sentence the Defendant will receive. The Defendant agrees that no one has made such a binding prediction or promise.

Entire Agreement

15. This letter, together with the Sealed Supplement, constitutes the complete plea agreement in this case. This letter, together with the Sealed Supplement, supersedes any prior understandings, promises, or conditions between this Office and the Defendant. There are no other agreements, promises, undertakings, or understandings between the Defendant and this Office other than those set forth in this letter and the Sealed Supplement. No changes to this Agreement will be effective unless in writing, signed by all parties, and approved by the Court.

If the Government fully accepts each and every term and condition of this Agreement, please sign where indicated.

If the Government fully accepts each and every term and condition of this Agreement, please sign where indicated.

Very truly yours,


Teresa Whalen


Paul Enzinna

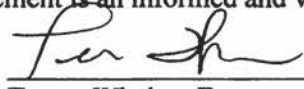
I have read this Agreement, including the Sealed Supplement, and carefully reviewed every part of it with my attorney. I understand it and I voluntarily agree to it. Specifically, I have reviewed the Factual and Advisory Guidelines Stipulation with my attorney and I do not wish to change any part of it. I am completely satisfied with the representation of my attorney.

2/18/19
Date


Dante Bailey
Defendant

I am the Defendant's attorney. I have carefully reviewed every part of this Agreement, including the Sealed Supplement, with the Defendant. The Defendant advises me that the Defendant understands and accepts its terms. To my knowledge, the Defendant's decision to enter into this Agreement is an informed and voluntary one.

2/18/19
Date


Teresa Whalen, Esq.

On behalf of the United States of America, the government agrees and accepts the terms outlined in the Agreement.

Date

Christina Hoffman
Assistant United States Attorney

Teresa Whalen

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

v.

*

Criminal No. CCB 16-0267

DANTE BAILEY

*

* * *

AFFIDAVIT IN SUPPORT OF MOTION TO ENFORCE PLEA AGREEMENT

Counsel for Dante Bailey, Paul Enzinna, supplements the record regarding the previously filed Motion to Enforce Plea Agreement and Memorandum (ECF 1050) with the following:

Paul F. Enzinna, Esquire, hereby certifies the following:

1. I am competent and over the age of eighteen (18) years, and I state these facts from personal knowledge.

2. On August 3, 2017, I was appointed by the Hon. Catherine C. Blake, under the Criminal Justice Act, to represent Dante Bailey in this criminal matter, which began as a death-eligible matter, and resulted in a guilty finding by a jury on May 2, 2019.

3. My co-counsel in this matter is Theresa Whalen, Esq.

4. I have been a criminal defense lawyer for more than 30 years, and have been on this Court's Criminal Justice Act panel since 2016. I am also on the Criminal Justice Act Panels in the United States District Court for the District of Columbia and the United States District Court for the Eastern District of Virginia. I practiced white collar criminal defense as a member of large, national law firms

EXHIBIT B

JA6601

from 1989 until 2016, when I left to form a smaller firm and focus on non-white collar crime. Since 2016, approximately 75% of my work has been in federal criminal defense work. I have engaged in plea negotiations with the United States Attorney's Office for the District of Maryland in at least 5 such cases.

5. On behalf of Mr. Bailey, Ms. Whalen and I began plea negotiations before May 24, 2018. In an email response to our inquiry, Assistant United States Attorney Christina Hoffman indicated she did not think the government "could do better than 35-40 C plea." *Exhibit 1.*

6. At a motions hearing on June 1, 2018, Michael Lawlor – who represented a co-defendant, Dontray Johnson – and Ms. Whalen suggested to Ms. Hoffman a "wired" type plea in which most, if not all, defendants would accept plea offers. In response, Ms. Hoffman emailed on June 18, 2018 that a wired plea was being discussed with supervisors ("running it up the chain") but it was "not looking promising so far." *Exhibit 2.*

7. After an August 3, 2018, conference call between Ms. Whalen, Mr. Lawlor and the United States Attorney's Office, Ms. Whalen told me that she had made an offer of a Rule 11(C)(1)(c) plea, providing for a range of 27 years to 35 years. The government indicated the top of the range (35) was too low, but that they might be able to offer 27 years to 40 years. Ms. Whalen also told me that the government made clear they did not want plea offers to be "wired," because they did not want Mr. Bailey to influence other defendants to enter a guilty plea. Ms.

Whalen told me the AUSAs and supervisors indicated they would discuss these terms and get back to defense.

8. In an August 14, 2018 telephone conversation AUSA Hoffman told Ms. Whalen that she believed the offer that would be approved was a “c” plea to a range of 27 to 40 years. Ms. Whalen and I conveyed this offer to Mr. Bailey. *Exhibit 3.* At the request of Ms. Whalen, AUSA Hoffman sent a proposed Statement of Facts that included all of the murders referenced in the Superseding Indictment. Ms. Hoffman noted that Mr. Bailey’s admission to the James Edwards murder was a prerequisite for her getting further approval for the plea offer. *Exhibits 4 & 5.*

9. In an August 21, 2018, telephone call with Ms. Hoffman, Ms. Whalen requested a “c” plea to 35 years. In an email on that same date, Ms. Hoffman indicated that she had discussed this with supervisors and that she “could probably get approval for a straight 37” but that “we’d prefer to stick with the 27 to 40 range”. *Exhibit 6.* Ms. Whalen and I conveyed this offer to Mr. Bailey.

10. When a status letter was due to the court on September 20, 2018, Ms. Hoffman asked what Mr. Bailey’s status was regarding a trial or plea, thereby suggesting that the offer previously made by the government (27-40 years) remained open. Ms. Whalen indicated she was still talking to Mr. Bailey (about the verbal offer of 27 to 40 years). *Exhibit 7.*

11. Ms. Whalen and I asked Ms. Hoffman to provide us with the United States Attorney’s Office’s standard letter setting forth the terms of the plea offer that had been discussed, to take to Mr. Bailey for signature. When no letter was

sent, I called Ms. Hoffman on October 3, 2018. Ms. Hoffman again said “no” to 35 years, but again restated the government’s offer of 27 to 40, under which the the government would recommend 40 years. *Exhibit 8*. When I asked Ms. Hoffman whetehr the offer of a “straight 37” remained on the table, she responded, “[t]hat’s a good question.”

12. On October 5, 2018, before Ms. Whalen and I had had a chance to discuss the government’s offer with Mr. Bailey, Ms. Hoffman changed the offer, writing Ms. Whalen that, “We’ve been discussing your counter proposal with supervisors...We would accept a plea to a range of 27 to 40, or a straight 37, if” four co-defendants plead guilty. Ms. Whalen proposed that Mr. Bailey plead to 27-40 years, with the government recommending 40 years, or 37, if the four co-defendants pled guilty. The government rejected that proposal. *Exhibit 9*. Ms. Whalen then requested that Ms. Hoffman write up the 27-40 offer, so that she and I could present it to Mr. Bailey. *Exhibit 10*. Ms. Hoffman did not indicate that this verbal offer was no longer valid, but instead noted she could not “get approval for a plea by Monday.” This was in response to Ms. Whalen’s earlier communications asking for the plea offer in writing to take to Mr. Bailey to sign on Monday.

13. Still waiting for the written offer to take to Mr. Bailey to sign, Ms. Whalen emailed Ms. Hoffman on October 9, 2018, asking again for the offer and noted that she “fully expects him to sign.” *Exhibit 11*. In a follow up telephone call, Ms. Whalen told the government Mr. Bailey would accept a plea to a range of 27 to 40 years; asked the government to send a letter memorializing the terms of such

an agreement; and made plans to take the written offer to Mr. Bailey. Ms. Whalen also told the government that Mr. Bailey had signed the Statement of Facts provided by the government. In this District, the Statement of Facts is attached to a written plea offer letter and it requires the defendant's signature.

14. Frustrated by the government's delay in providing the written offer for signature, Ms. Whalen contacted United States Attorney's Office supervisors on October 10, 2018, noting that "we cleared 27 to 40 with our client" and setting forth the status of the discussions. *Exhibit 12*.

15. In a conversation with me on October 29, 2018, Ms. Hoffman unilaterally withdrew the verbal offer made and stated she did not want to allow Mr. Bailey to enter a guilty plea and proceed to trial against only his co-defendants. By now, the trial date had been continued to March 18, 2019.

16. There was a verbal offer to Mr. Bailey that included a term that he would receive between 27 to 40 years if he entered a guilty plea. Mr. Bailey fully intended to sign the written offer and undersigned counsel told this to the government. This method of negotiating is the standard practice in plea negotiations in this District.

17. Although Mr. Bailey, Ms. Whalen and I believed that Mr. Bailey and the government had reached agreement on a plea, and that this agreement simply needed to be put in writing, in response to Ms. Whalen's making it a condition of Mr. Bailey's plea that his co-defendants also plead, I spent considerable time working with the co-defendants' attorneys to see if a global resolution – a "wired"

plea – could be reached. On January 23, 2019, I called Ms. Hoffman to say that counsel for Messrs. Anderson, Banks, Dent, and Lockley were prepared to participate in further discussions toward a “wired” plea, and proposing dates for a meeting between prosecutors and defense counsel. Ms. Hoffman, however, stated that she was not interested in such discussions, because the offers that had been made to Messrs. Anderson, Banks, Dent, and Lockley were final, and there would be no further negotiation. However, Ms. Hoffman indicated that the government would accept a plea from Mr. Bailey for 37 years.

18. I telephoned Ms. Hoffman on February 6, 2019, and made a counter-offer of 35 years’ incarceration. Ms. Hoffman told me that the government would not accept less than 37 years. In response, Ms. Whalen emailed Ms. Hoffman and asked her to “get us a formal offer for a “c” plea to 37 years so that we can take that to Mr. Bailey for his signature.” *Exhibit 13*. Ms. Whalen followed up and confirmed Mr. Bailey would sign a plea agreement. *Exhibit 14*. Several days later, Ms. Hoffman replied that they were “talking it over.” Notably, the government did not in any way indicate this was not the offer discussed with me, or correct Ms. Whalen’s clear belief that the formal offer she was waiting for was to 37 years.

19. Again, the government failed to send anything in writing. On February 21, 2019, Ms. Whalen and I sent a letter to the government and attached a plea agreement letter with a term that included the government’s latest offer of 37 years. The plea agreement letter contained the exact language that the government includes in every written plea letter in this District. Ms. Whalen and I

made clear to the government that Mr. Bailey had signed the agreement and requested that the government sign off as well. *Exhibit 15*. The government refused to do so and instead, on February 27, 2019 sent a written offer with a term of 45 years. Mr. Bailey now faces a sentence of life imprisonment after having been found guilty of Violence in Aid of Racketeering.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in blue ink, appearing to read "Paul F. Enzinna", with a long horizontal flourish extending to the right.

Date: October 21, 2019

Paul F. Enzinna

From: Hoffman, Christina (USAMD) (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>
Cc: penzinna <penzinna@ellermanenzinna.com>; Perry, Lauren (USAMD) (USAMD) <Lauren.Perry@usdoj.gov>
Subject: Re: Dante Bailey - 2015.06.18 Arrest
Date: Thu, May 24, 2018 5:07 pm

Hi Teresa,

Sorry for the delay. I'm on vacation, returning to the office Tuesday. We're open to a plea, but I don't think we could do better than a 35-40 year C plea based on the number of murders, his leadership role, etc.

The officers will testify consistent with their reports. On 4/23/15, Detective Young received a tip from an anonymous caller who lived in the area. On 6/18/15, Sgt. Friend responded to a call that came over 911 dispatch. We have no information that Jenkins/GTTF were involved in either case.

Sent from my iPhone

On May 24, 2018, at 4:13 PM, Teresa Whalen <whalenesq@aol.com<mailto:whalenesq@aol.com>> wrote:

Christina,

Can you give me a call when you have a chance? With regard to the 6/18/15 and 4/23/15 stops, can you investigate and confirm whether the tips were indeed "anonymous" or were in fact from a member of the gun task force? How did the officers get those anonymous tips, for instance? I have reason to believe the gun task force, specifically Sgt Jenkins, was informed on a weekly basis what Mr. Bailey's work schedule was and was then conducting surveillance of him. To the extent the investigation in your office confirms any aspect of targeting Mr. Bailey and/or taking enforcement action against him that is questionable, I believe we should be provided that information.

Thanks,

Teresa

-----Original Message-----

From: Hoffman, Christina (USAMD) (USAMD)
<Christina.Hoffman@usdoj.gov<mailto:Christina.Hoffman@usdoj.gov>>
To: Teresa Whalen <whalenesq@aol.com<mailto:whalenesq@aol.com>>; penzinna
<penzinna@ellermanenzinna.com<mailto:penzinna@ellermanenzinna.com>>
Cc: Perry, Lauren (USAMD) (USAMD)
<Lauren.Perry@usdoj.gov<mailto:Lauren.Perry@usdoj.gov>>
Sent: Tue, May 22, 2018 7:16 pm
Subject: Dante Bailey - 2015.06.18 Arrest

Hi Teresa & Paul,

EXHIBIT B-1

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>; Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>
Subject: RE: Bailey
Date: Mon, Jun 18, 2018 5:14 pm

Hi Teresa,

We have been running the idea of a wired plea up the chain, but it's not looking promising so far. We'll keep you posted.

Best,

Christina

From: Teresa Whalen <whalenesq@aol.com>
Sent: Monday, June 18, 2018 4:33 PM
To: Perry, Lauren (USAMD) <LPerry1@usa.doj.gov>; Hoffman, Christina (USAMD) <choffman@usa.doj.gov>
Subject: Bailey

Hi Ladies,

Just following up on whether you have some thoughts on how to wrap these cases up....I believe I can sell anything that gives him the hope he can get below 30 for getting most or all to plead (whether that is a realistic hope is another story).

I will be around most of the week if you want to talk.

Thanks,

Teresa

EXHIBIT B-2

From: Teresa Whalen <whalenesq@aol.com>
To: penzinna <penzinna@ellermanenzinna.com>
Date: Tue, Aug 14, 2018 5:12 pm

Christina just called and thinks she can get 27 to 40 year "c" plea. She will make deadline the day of motions. She wants to know if there is something he won't admit to and she will consider keeping it out of statement of facts. I can go see him next Tuesday or Wednesday. You?

Teresa

EXHIBIT B-3

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>
Cc: penzinna@ellermanenzinna.com <penzinna@ellermanenzinna.com>; Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>
Subject: RE:
Date: Wed, Aug 15, 2018 12:12 pm

Hi Teresa,

We can redact the names from the statement of facts. But the James Edwards murder will likely be a deal-breaker. Even if we agreed to take it out, I don't think OCGS would approve dismissal of the VICAR murder charge unless he admits to the murder. I wonder if he denies that he did it, denies that it happened the way it's alleged in the indictment, or worries what others will think if he admits to it. Perhaps we can discuss on the phone. I'll send you a draft SOF today.

Best,

Christina

From: Teresa Whalen <whalenesq@aol.com>
Sent: Wednesday, August 15, 2018 11:56 AM
To: Hoffman, Christina (USAMD) <choffman@usa.doj.gov>
Cc: penzinna@ellermanenzinna.com
Subject:

Christina,

Mr. Bailey may have a problem with the James Edwards murder as part of the statement of facts. I think keeping names out of the statement of facts will be helpful as well. We are scheduled to see him Tuesday. Thanks.

Teresa

EXHIBIT B-4

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>; penzinna@ellermanenzinna.com
<penzinna@ellermanenzinna.com>
Cc: Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>
Subject: Dante Bailey, CCB-16-0267
Date: Wed, Aug 15, 2018 2:29 pm
Attachments: Bailey SOF Redacted.pdf (41K), Bailey SOF Unredacted.pdf (34K)

Hi Teresa & Paul,

Here are two versions of our proposed statement of facts – one with names redacted and one without. Give me a call when you have a chance to discuss. I haven't forwarded the offer to OCGS because I don't believe they will approve it unless he admits to the murder of James Edwards.

Best,

Christina

EXHIBIT B-5

Subject: Dante Bailey

Date: Tuesday, August 21, 2018 at 6:37:41 PM Eastern Daylight Time

From: Hoffman, Christina (USAMD)

To: Teresa Whalen, Paul Enzinna

CC: Perry, Lauren (USAMD)

Hi Teresa,

Good talking to you earlier—thanks for the call. I talked it over with Lauren and the supervisors. Although we'd prefer to stick to the 27-40 range, we could probably get approval for a straight 37, but no lower. If he wants lower than that, I think it's going to be a trial. Let us know what you think.

Best,
Christina

EXHIBIT B-6

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>; penzinna@ellermanenzinna.com <penzinna@ellermanenzinna.com>
Cc: Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>
Subject: RE: Dante Bailey
Date: Thu, Sep 20, 2018 7:00 pm

No problem! Thanks for letting me know. I'll check with the Marshals, but I don't think they're equipped to handle him at any of the nearby facilities.

From: Teresa Whalen <whalenesq@aol.com>
Sent: Thursday, September 20, 2018 3:17 PM
To: Hoffman, Christina (USAMD) <choffman@usa.doj.gov>; penzinna@ellermanenzinna.com
Cc: Perry, Lauren (USAMD) <LPerry1@usa.doj.gov>
Subject: Re: Dante Bailey

Hi Christina,

We are still talking to him but for now we would have to say a trial. We can't get much traction with him still in NNRJ. Dave Ashton told me weeks ago he will bring him back up here...perhaps you can talk to him as well?

Teresa

-----Original Message-----

From: Hoffman, Christina (USAMD) (USAMD) <Christina.Hoffman@usdoj.gov>
To: whalenesq <whalenesq@aol.com>; penzinna <penzinna@ellermanenzinna.com>
Cc: Perry, Lauren (USAMD) (USAMD) <Lauren.Perry@usdoj.gov>
Sent: Wed, Sep 19, 2018 3:20 pm
Subject: Dante Bailey

Hi Teresa & Paul,

Judge Blake expects a status report from us by Friday. What's the latest on Bailey – he is going to trial Nov. 5 through Feb. 1?

EXHIBIT B-7

Saturday, March 16, 2019 at 1:08:55 PM Eastern Daylight Time

Subject: Re:

Date: Wednesday, October 3, 2018 at 9:08:04 PM Eastern Daylight Time

From: Teresa Whalen

To: Paul Enzinna

yes,
the number seems to be 37.

—Original Message—

From: Paul Enzinna <penzinna@ellermanenzinna.com>

To: Teresa Whalen <whalenesq@aol.com>

Sent: Wed, Oct 3, 2018 5:48 pm

Subject: Re:

I spoke with Christina, who said no to A straight 35. She said they will do 27 to 40, and asked for 40. I asked her if 37 is still on the table, and she said "that's a good question." Should we call Dante?

Paul F. Enzinna
Brown Rudnick, LLP

On Oct 3, 2018, at 12:25 PM, Teresa Whalen <whalenesq@aol.com> wrote:

I think so...do you want to take a crack at it?

—Original Message—

From: Paul Enzinna <penzinna@ellermanenzinna.com>

To: Teresa Whalen <whalenesq@aol.com>

Sent: Wed, Oct 3, 2018 12:20 pm

Subject: Re:

Should we check in with her?

Sent from my iPhone

On Oct 2, 2018, at 4:25 PM, Teresa Whalen <whalenesq@aol.com> wrote:

nothing from Christina...not sure what that means

EXHIBIT B-8

Subject: RE:

Date: Friday, October 5, 2018 at 11:28:32 AM Eastern Daylight Time

From: Hoffman, Christina (USAMD)

To: Teresa Whalen, Perry, Lauren (USAMD), Paul Enzinna

Hi Teresa & Paul,

I'm so sorry about the scheduling conflict. What a pain.

We've been discussing your counter proposal with supervisors & case agents, and here's where we are. We would accept a plea to a range of 27-40, or a straight 37, if Randy Banks, Devon Dent, Jamal Lockley, and Corloyd Anderson plead guilty. Unfortunately, they are all still at the table at his point.

I'm sorry it's not what you want to hear. We would be happy to resolve the cases, too. Maybe you can talk to the others about wrapping up their cases. I think the offers we've made are very generous.

Best,
Christina

From: Teresa Whalen <whalenesq@aol.com>

Sent: Friday, October 05, 2018 11:14 AM

To: Hoffman, Christina (USAMD) <choffman@usa.doj.gov>; Perry, Lauren (USAMD) <LPerry1@usa.doj.gov>; penzinna@ellermanenzinna.com

Subject:

Hi all,

I have a conflict that J. Bredar is going to sever my case if the Bailey case goes forward. I told him we are hopeful we can resolve Bailey. He pushed on the time frame and I said we are waiting on a response from the Gov. and we are trying to set up a phone call with Bailey today. He noted that J. Blake is not sitting Tuesday and it would be great if we could set something in on Bailey then....(no pressure here!).

Anyway, I can run to NNRJ with something for client to sign Monday.

Teresa

EXHIBIT B-9

From: Hoffman, Christina (USAMD) <Christina.Hoffman@usdoj.gov>
To: Teresa Whalen <whalenesq@aol.com>
Cc: penzinna@ellermanenzinna.com <penzinna@ellermanenzinna.com>; Perry, Lauren (USAMD) <Lauren.Perry@usdoj.gov>

Subject: Re:

Date: Fri, Oct 5, 2018 6:42 pm

I estimate 2 months with 7 defendants (although Sardelli is saying he won't stipulate to anything, which would add 1.5 weeks).

I can definitely send you the SOF in Word. I can't get approval for a plea by Monday (sorry!), but let's continue the conversation.

Sent from my iPhone

On Oct 5, 2018, at 2:45 PM, Teresa Whalen <whalenesq@aol.com<mailto:whalenesq@aol.com>> wrote:

I am back to back trials - like many of us. My problem with March is a state court murder re-trial. I will make some inquiries about whether that could be moved. I am in the cherry hill trial that is slated from 5/6 to October and motions in April. How long do you estimate?

Do you want to write up the 27 to 40 for me to take to him? Can you send me the statement of facts in word ...he wants all references to co-defendants out and some other changes that I can make and send to you.

Teresa

-----Original Message-----

From: Hoffman, Christina (USAMD) (USAMD)
 <Christina.Hoffman@usdoj.gov<mailto:Christina.Hoffman@usdoj.gov>>
To: Teresa Whalen <whalenesq@aol.com<mailto:whalenesq@aol.com>>; Perry, Lauren (USAMD) (USAMD) <Lauren.Perry@usdoj.gov<mailto:Lauren.Perry@usdoj.gov>>; penzinna <penzinna@ellermanenzinna.com<mailto:penzinna@ellermanenzinna.com>>
Sent: Fri, Oct 5, 2018 2:03 pm
Subject: RE: Re:

(I believe all the other defense attorneys are available for the March trial date. Our preference is still Nov. 5, but I'm trying to figure out if there are other solutions to this scheduling chaos.)

From: Hoffman, Christina (USAMD)
Sent: Friday, October 05, 2018 1:58 PM
To: 'Teresa Whalen' <whalenesq@aol.com<mailto:whalenesq@aol.com>>; Perry, Lauren (USAMD) <LPerry1@usa.doj.gov<mailto:LPerry1@usa.doj.gov>>; penzinna@ellermanenzinna.com<mailto:penzinna@ellermanenzinna.com>
Subject: RE: Re:

I'm so sorry, but we can't agree to it at this point. I can't get any firm commitments from the other

EXHIBIT B-10

Subject: Re:

Date: Tuesday, October 9, 2018 at 3:54:22 PM Eastern Daylight Time

From: Teresa Whalen

To: Christina.Hoffman@usdoj.gov, Lauren.Perry@usdoj.gov

CC: Paul Enzinna

Hi Christina,

Since I have to plan a whole day for a trip, can you estimate when you will have an offer? I fully expect him to sign and then we won't need to deal with the second trial date.

Teresa

-----Original Message-----

From: Hoffman, Christina (USAMD) (USAMD) <Christina.Hoffman@usdoj.gov>

To: Teresa Whalen <whalenesq@aol.com>; Perry, Lauren (USAMD) (USAMD) <Lauren.Perry@usdoj.gov>

Cc: penzinna <penzinna@ellermanenzinna.com>

Sent: Tue, Oct 9, 2018 3:48 pm

Subject: RE:

Hello!

I'm sorry to say I'm not going to be able to get you a plea offer in time for tomorrow's visit. However, we've now had three defense attorneys (Harry Trainor, Brian Sardelli, and Paul Hazlehurst) reach out to us and say they plan to file motions to continue to the spring trial (March 18 – May 5). Elita Amato, Chris Davis, and Marshall Henslee also say they prefer the spring trial. Assuming you are able to reschedule your county murder trial, we are starting to think it might make the most sense to set all 7 defendants in for trial on March 18. What do you think? Our preference is still November 5, but not if we have to put the witnesses through two trials.

Let us know what you think. Thank you!

Christina

From: Teresa Whalen <whalenesq@aol.com>

Sent: Tuesday, October 09, 2018 3:39 PM

To: Perry, Lauren (USAMD) <LPerry1@usa.doj.gov>; Hoffman, Christina (USAMD) <choffman@usa.doj.gov>

Cc: penzinna@ellermanenzinna.com

Subject:

I can go to NNRJ tomorrow if you can get me the plea offer before 9:45 am?

Teresa

EXHIBIT B-11

Subject: Bailey

Date: Wednesday, October 10, 2018 at 4:19:55 PM Eastern Daylight Time

From: Teresa Whalen

To: christina.hoffman@usdoj.gov, lauren.perry@usdoj.gov

CC: Robert.Harding@usdoj.gov, kenneth.clark@usdoj.gov, Paul Enzinna

Hi everyone,

In a conversation with Ken, I mentioned perhaps all of us sitting down for 10-15 minutes to try to figure out a plea. Based upon the emails recently, we cleared 27 to 40 with our client who asked us to request a specific number - 35 or 37. He knows you will be asking for 40. Our understanding was that 35 was "No" and 37 was only if we could get the others to take the offer made to them. For many reasons, we feel like we can't guarantee the others will sign a deal before our client signs. We believe there is a much better chance they will plea if Dante goes to court and the plea is done. We could have had a signed deal as set forth above last week and still can get one if we could get something to sign!!

Paul and I have time to sit down tomorrow if you can meet.

Judge Bredar and Jim Walner are waiting on this case to determine if I am available for a trial 11/26....so, I have an interest in getting answers to them. Pushing this off to the next trial date may do more harm than good as Mr. Bailey is ready now to take responsibility.

We feel like we have a sure thing that keeps slipping away as the time passes. Thanks.

Teresa

EXHIBIT B-12

Subject: (none)

Date: Wednesday, February 6, 2019 at 8:27:11 PM Eastern Standard Time

From: Teresa Whalen

To: christina.hoffman@usdoj.gov, lauren.perry@usdoj.gov

CC: Paul Enzinna

Christina and Lauren,

Paul told me he discussed a plea for 35 years with you and the response was that the government will not offer less than 37. Please get us a formal offer for a "c" plea to 37 years so we can take that to Mr. Bailey for his signature. Thanks.

Teresa

EXHIBIT B-13

Subject: Re:

Date: Sunday, February 10, 2019 at 4:57:02 PM Eastern Standard Time

From: Hoffman, Christina (USAMD)

To: Teresa Whalen

CC: Paul Enzinna, Perry, Lauren (USAMD)

Hi, Teresa. We did get your email. Sorry for the delay. We're talking it over. We're out of town until Wednesday for witness prep but we'll be back in touch then.

Christina A. Hoffman
Assistant U.S. Attorney, District of Maryland
36 S. Charles St., 4th Floor
Baltimore, Maryland 21201
(410) 209-4871

Sent from my iPhone

On Feb 8, 2019, at 3:18 PM, Teresa Whalen <whalenesq@aol.com<<mailto:whalenesq@aol.com>>> wrote:

Hi Christina,

Are you able to share what happened with Tiffany Bailey today? Will her sentencing be reset soon? And, just a follow up to be sure you rec'd my email that we believe Mr. Bailey will sign a "c" plea for 37 years.

Thanks,

Teresa

EXHIBIT B-14



202.753.5553 • ellermanenzinna.com

February 21, 2019

1050 30th Street, NW
Washington, DC 20007

Christina Hoffman
Lauren Perry
Assistant United States Attorneys
36 S. Charles Street
Suite 400
Baltimore, MD 21201-3119

Re: United States v. Dante Bailey, No. 16-cr-267

Dear Ms. Hoffman and Ms. Perry:

This letter is written pursuant to the provisions of Federal Rules of Criminal Procedure 11 and Federal Rule of Evidence 410.

For the past several months, we have engaged with you in negotiations over a potential guilty plea by our client, Dante Bailey. Those negotiations have resulted in agreement on all of the material terms of such an agreement – Mr. Bailey would enter a (c) plea guilty to Count 1 of the Second Superseding Indictment, for which he would receive a sentence of 37 years' imprisonment. Mr. Bailey has also agreed to the Statement of Facts you have proposed. Enclosed for your signature is a plea agreement, executed by Mr. Bailey and by us as his counsel, memorializing the terms to which we have agreed, and containing the standard terms to which the government routinely requires a defendant to agree in a standard plea offer in this District (in fact, these terms were taken directly from the plea agreement signed by co-defendant Dontray Johnson in this case).

We are taking the extraordinary step of submitting this agreement to you because although we have agreed on its terms, you have refused to provide us with a written offer. Instead, you have told us you will not accept Mr. Bailey's plea unless and until co-defendants Corloyd Anderson, Randy Banks, Devon Dent, and Jamal Lockley accept the plea offers you have extended to them. Although this unilaterally-imposed condition has nothing to do with Mr. Bailey, who is powerless to fulfill it, you have stated that this is your position because it would be "best for the case as a whole" for Mr. Bailey to be present should you be required to try the case against these other individuals. At the same time, it is our understanding that you have not "wired" the pleas of Messrs. Anderson, Banks, Dent, and Lockley – *i.e.*, you will accept each of their pleas whether or not the other plead, but you will not accept Mr. Bailey's unless each of them pleads. This is fundamentally unfair and is not a position we have ever seen your office take in years of negotiating guilty pleas in serious cases.

EXHIBIT B-15

JA6622

Christina Hoffman
Lauren Perry
February 21, 2019



We do not believe your position is appropriate, or tenable, for several reasons. *First*, it is simply unfair to refuse to accept a defendant's offer to plead guilty – on terms you have acknowledged are acceptable to the government – because *other* defendants have not pled. Mr. Bailey is powerless to control his co-defendant's decisions, and those decisions do not bear on the question whether the agreement we have reached with regard to Mr. Bailey is an appropriate resolution of his case. Instead, it appears that you believe that if you are forced to try the case against one or more of Mr. Bailey's co-defendants, the government would obtain some tactical advantage by forcing him to trial despite his desire to plead guilty. We believe that it is inappropriate to make the government's tactical advantage against *other* defendants the determining factor in rejecting a plea agreement. See United States Attorneys' Manual § 9-27.420. We believe this is particularly true here, where Mr. Bailey faces a life sentence if convicted at trial.¹

Second, the parties have reached a meeting of the minds on a plea agreement. This is clear from the history of our negotiations.

On March 30, 2018, your office notified us that the Department of Justice had authorized the case to proceed without the government seeking the death penalty. At a motions hearing on June 1, 2018, Mike Lawlor and Teresa Whalen had a brief discussion with you, which included discussion of the possibility that others would plead guilty if Messrs. Bailey and Johnson entered guilty pleas. On June 18, 2018, in response to an email expressing Mr. Bailey's desire to get below 30 for getting others to plead guilty, Ms. Hoffman indicated she was "running the idea of a wired plea up the chain", but it was "not looking promising so far". *Exhibit 1*. Thereafter, Mr. Lawlor and Ms. Whalen contacted most of the attorneys and gathered information on terms they were looking for in a guilty plea. This information was provided to you on July 19, 2018. *Exhibit 2*.

On August 3, 2018, in a telephone conference with Ms. Whalen and Michael Lawlor, you offered Mr. Bailey a (c) plea to 27-40 years' imprisonment. You specifically stated that you did not want Mr. Bailey to influence co-defendants to enter a guilty plea. Thus, although we had been talking about a possible "wired plea", that concept was not a part of the offer extended, as is clear from the fact that the fact Mr. Johnson accepted his plea offer and has already been sentenced.

On August 7, 2018, Mr. Lawlor asked the status and you responded that you were "still in the process of talking to all the other defense counsel". *Exhibit 3*. Soon thereafter, you contacted Ms. Whalen and indicated you could make the offer of 27-40 years, but you expect that Mr. Bailey will agree to the murders as part of the Statement of Facts.

¹ The U.S. Sentencing Guidelines provide for a 2-level reduction in Offense Level for a defendant who "clearly demonstrates acceptance of responsibility for his offense." U.S.S.G. § 3E.1. This reduction is not conditioned on a guilty plea, nor is it foreclosed by trial. Therefore, if Mr. Bailey is required to go to trial, and if he is convicted, we will ask for a two-level reduction, pursuant to U.S.S.G. § 3E1.1(a), at sentencing. Given that we have been notifying you that he will and has accepted the terms discussed above for months now, we will also request that the government make a motion for an additional one-level reduction pursuant to U.S.S.G. § 3E1.1(b).

Christina Hoffman
Lauren Perry
February 21, 2019



On August 15, 2019, we noted there might be a problem with including the James Edwards murder and you stated that would be a problem for the government. *Exhibit 4.*

The plea offer of 27 to 40 years was conveyed to Mr. Bailey, who was considering the offer. There was no deadline associated with this offer. On August 21, 2019, following an inquiry from Ms. Whalen about a specific number rather than 27 to 40, you responded by stating while the government prefers "the 27–40 range," you could probably get approval for "a straight 37, but no lower." *Exhibit 5.* This was conveyed to Mr. Bailey, who was considering these offers at the time of the status report to Judge Blake on September 21, 2018. *Exhibit 6.* After meeting with our client on September 28, 2018, we told you our client would accept a plea to 35 years, but in a conversation with Mr. Enzinna on October 3, 2018, you rejected that offer, saying that the government would accept Mr. Bailey's plea to a range of 27-40 years, in which case the government would recommend a sentence of 40 years. When Mr. Enzinna asked if the offer of 37 years remained on the table, you responded, "[t]hat's a good question." In this conversation, there was no discussion of a "wired" plea.

On October 5, 2018, before we had had an opportunity to discuss your offer with Mr. Bailey, you changed the offer. Now, you told Ms. Whalen in response to whether the 37 years remained on the table, that you "would accept a plea to a range of 27-40, or a straight 37, if Randy Banks, Devon Dent, Jamal Lockley, and Corloyd Anderson plead guilty." Our response was that it would be too difficult to get everyone on board so quickly because the defendants had been moved out of Baltimore. We requested the plea to 27 to 40 years, with the government recommending 37 if the others plead guilty before sentencing. You rejected this proposal, and we then asked you to write up the offer of 27 to 40 years to take to Mr. Bailey on Monday. You indicated you could not get approval by Monday, but the offer had already been approved. *Exhibit 7.* Thus, we believe we accepted the offer of 27 to 40 years at this point and it was incumbent upon you to get that in writing. In fact, we told you on October 9, 2018 that Mr. Bailey will sign the plea offer and that we would not have to deal with moving the trial date. *Exhibit 8.* The next day, we made sure everyone understood that we had accepted a plea for 27 to 40 because we could not guarantee the co-defendants would sign a plea in order for us to accept the offer of 37. We asked to meet to discuss this, but there was never a reply. *Exhibit 9.*

The case was then continued. Despite believing we had a plea agreement that simply needed to be put in writing, we nevertheless spent considerable time working with the co-defendants' attorneys to see if we could bring everyone together to present a global resolution of the case. On January 23, 2019, Mr. Enzinna called you to say that we had spoken with counsel for Corloyd Anderson, Randy Banks, Devon Dent, and Jamal Lockley, and proposing dates for a meeting between you and all counsel to discuss a global resolution to the case. You stated that you were not interested in holding such a meeting, because the offers you had made to the defendants were final, and there would be no further negotiation. However, you indicated that you would accept a plea from Mr. Bailey for 37 years.

Christina Hoffman
Lauren Perry
February 21, 2019

 **ELLERMAN ENZINNA** PLLC

Following a meeting with Mr. Bailey, we called you and made a counter-offer of 35 years' incarceration. You declined this but again stated Mr. Bailey could plead to 37 years. We asked you to send us the formal offer for 37 years so that Mr. Bailey could sign the document. *Exhibit 10*. Your response, more than a week later, was to state that although we had reached agreement on the terms of a plea agreement for Mr. Bailey, you would not extend a formal written offer unless and until Messrs. Anderson, Banks, Dent, and Lockley pled.

In light of the facts, we hope that you will agree that permitting Mr. Bailey to plead guilty to the terms on which we have agreed is the appropriate resolution of the charges against him, whether or not his co-defendants plead, and that you will execute the agreement we are providing. As a practical matter, a 37-year sentence would put him in prison until his late-70s, meaning that Mr. Bailey will likely die in prison in any event. But if you are unwilling to proceed with Mr. Bailey's plea, we will request a meeting with your supervisors to discuss the matter and, if necessary, will file a motion with the Court to enforce the plea agreement.

Sincerely

ELLERMAN ENZINNA, PLLC



Paul F. Enzinna



Teresa Whalen

TERESA WHALEN
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February 14, 2019

Ms. Christina Hoffman
Ms. Lauren Perry
Assistant United States Attorneys
36 S. Charles St.
Suite 400
Baltimore, Maryland 21201-3119

Re: United State v. Dante Bailey,
Criminal No. CCB-16-0267 (D. MD.)

Dear Counsel:

This letter, together with the Sealed Supplement, confirms the plea agreement (this "Agreement") that has been offered to Dante Bailey (hereinafter "Defendant") by the United States Attorney's Office for the District of Maryland ("this Office"). The terms of the Agreement are as follows:

Offenses of Conviction

1. The Defendant agrees to plead guilty to Counts One and Two of the Second Superseding Indictment, in which he is charged with racketeering conspiracy, in violation of 18 U.S.C. §1962(d), and conspiracy to distribute controlled substances, in violation of 21 U.S.C. §846. The Defendant admits that the Defendant is, in fact, guilty of the offenses and will so advise the Court.

Elements of the Offenses

2. The elements of the offenses to which the Defendant has agreed to plead guilty, and which this Office would prove if the case went to trial, are as follows:

Count One: Racketeering Conspiracy, 18 U.S.C. §1962(d)

That from in or about 2011 continuing until on or about the date of the Second Superseding Indictment, in the District of Maryland,

- a. an enterprise existed as alleged in the Second Superseding Indictment;
- b. the enterprise affected interstate or foreign commerce;
- c. the Defendant was associated with or employed by the enterprise; and
- d. the Defendant knowingly and willfully conspired with one or more persons to conduct and participate in the affairs of the enterprise through a pattern of racketeering activity.

Count Two: Drug Trafficking Conspiracy, 21 U.S.C. §846

That from in or about 2011 continuing until or about the date of the Second Superseding Indictment, in the District of Maryland,

- a. an agreement existed between two or more persons to violate the drug laws of the United States by distributing or possessing with the intent to distribute heroin and cocaine base;
- b. that the Defendant was a party to, or member of, that agreement;
- c. that it was foreseeable to the Defendant that the conspiracy would distribute one kilogram or more of heroin and 280 grams or more of cocaine base; and
- d. the Defendant knowingly entered into that agreement.

Penalties

3. The maximum penalties provided by statute for the offenses to which the Defendant is pleading guilty are as follows:

COUNT	STATUTE	MAND.MIN. IMPRISON- MENT	MAX IMPRISON- MENT	MAX SUPERVISED RELEASE	MAX FINE	SPECIAL ASSESS- MENT
1	18 U.S.C. § 1962(d)	N/A	Life	5 years	\$250,000	\$100
2	21 U.S.C. § 846	10 years	Life	5 years	\$10 million	\$100

a. Prison: If the Court orders a term of imprisonment, the Bureau of Prisons has sole discretion to designate the institution at which it will be served.

b. Supervised Release: If the Court orders a term of supervised release, and the Defendant violates the conditions of supervised release, the Court may order the Defendant returned to custody to serve a term of imprisonment up to the entire original

term of supervised release if permitted by statute, followed by an additional term of supervised release.

c. Restitution: The Court may order the Defendant to pay restitution pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

d. Payment: If a fine or restitution is imposed, it shall be payable immediately, unless the Court orders otherwise under 18 U.S.C. § 3572 (d). The Defendant may be required to pay interest if the fine is not paid when due.

e. Forfeiture: The Court may enter an order of forfeiture of assets directly traceable to the offense, substitute assets, and/or a money judgment equal to the value of the property subject to the forfeiture.

f. Collection of debts: If the Court imposes a fine or restitution, this Office's Financial Litigation Unit will be responsible for collecting the debt. If the Court establishes a schedule of payments, the Defendant agrees that: (1) the full amount of the fine or restitution is nonetheless due and owing immediately; (2) the schedule of payments is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment; and (3) the United States may fully employ all powers to collect on the total amount of the debt as provided by law. Until the debt is paid, the Defendant agrees to disclose all assets in which the Defendant has any interest or over which the Defendant exercises direct or indirect control. Until the money judgment is satisfied, the Defendant authorizes this Office to obtain a credit report in order to evaluate the Defendant's ability to pay, and to request and review the Defendant's federal and state income tax returns. The Defendant agrees to complete and sign a copy of IRS Form 8821 (relating to the voluntary disclosure of federal tax return information) and a financial statement in a form provided by this Office.

Waiver of Rights

4. The Defendant understands that by entering into this Agreement, the Defendant surrenders certain rights as outlined below:

a. If the Defendant had pled not guilty and persisted in that plea, the Defendant would have had the right to a speedy jury trial with the close assistance of competent counsel. That trial could be conducted by a judge, without a jury, if the Defendant, this Office, and the Court all agreed.

b. If the Defendant elected a jury trial, the jury would be composed of twelve individuals selected from the community. Counsel and the Defendant would have the opportunity to challenge prospective jurors who demonstrated bias or who were otherwise unqualified, and would have the opportunity to strike a certain number of jurors peremptorily. All twelve jurors would have to agree unanimously before the Defendant could be found guilty of any count. The jury would be instructed that the

Defendant was presumed to be innocent, and that presumption could be overcome only by proof beyond a reasonable doubt.

c. If the Defendant went to trial, the government would have the burden of proving the Defendant guilty beyond a reasonable doubt. The Defendant would have the right to confront and cross-examine the government's witnesses. The Defendant would not have to present any defense witnesses or evidence whatsoever. If the Defendant wanted to call witnesses in defense, however, the Defendant would have the subpoena power of the Court to compel the witnesses to attend.

d. The Defendant would have the right to testify in the Defendant's own defense if the Defendant so chose, and the Defendant would have the right to refuse to testify. If the Defendant chose not to testify, the Court could instruct the jury that they could not draw any adverse inference from the Defendant's decision not to testify.

e. If the Defendant were found guilty after a trial, the Defendant would have the right to appeal the verdict and the Court's pretrial and trial decisions on the admissibility of evidence to see if any errors were committed which would require a new trial or dismissal of the charges. By pleading guilty, the Defendant knowingly gives up the right to appeal the verdict and the Court's decisions.

f. By pleading guilty, the Defendant will be giving up all of these rights, except the right, under the limited circumstances set forth in the "Waiver of Appeal" paragraph below, to appeal the sentence. By pleading guilty, the Defendant understands that the Defendant may have to answer the Court's questions both about the rights being given up and about the facts of the case. Any statements that the Defendant makes during such a hearing would not be admissible against the Defendant during a trial except in a criminal proceeding for perjury or false statement.

g. If the court accepts the Defendant's plea of guilty, the Defendant will be giving up the right to file and have the Court rule on pretrial motions, and there will be no further trial or proceeding of any kind in the above-referenced criminal case, and the Court will find the Defendant guilty.

h. By pleading guilty, the Defendant will also be giving up certain valuable civil rights and may be subject to deportation or other loss of immigration status, including possible denaturalization. The Defendant recognizes that if the Defendant is not a citizen of the United States, or is a naturalized citizen, pleading guilty may have consequences with respect to the Defendant's immigration status. Under federal law, conviction for a broad range of crimes can lead to adverse immigration consequences, including automatic removal from the United States. Removal and other immigration consequences are the subject of a separate proceeding, however, and the Defendant understands that no one, including the Defendant's attorney or the Court, can predict with certainty the effect of a conviction on immigration status. The Defendant is not relying on any promise or belief about the immigration consequences of pleading guilty. The

Defendant nevertheless affirms that the Defendant wants to plead guilty regardless of any potential immigration consequences.

Advisory Sentencing Guidelines Apply

5. The Defendant understands that the Court will determine a sentencing guideline range for this case (henceforth the “advisory guidelines range”) pursuant to the Sentencing Reform Act of 1984 at 18 U.S.C. § 3551-3742 (excepting 18 U.S.C. § 3553(b)(1) and 3742(e)) and 28 U.S.C. §§ 991 through 998. The Defendant further understands that the Court will impose a sentence pursuant to the Sentencing Reform Act, as excised, and must take into account the advisory guidelines range in establishing a reasonable sentence.

Factual and Advisory Guidelines Stipulation

6. a. This Office and the Defendant stipulate and agree to the Statement of Facts set forth in Attachment A, which is incorporated by reference herein. This Office and the Defendant further stipulate and agree that pursuant to U.S.S.G. § 2E1.1(a), the offense level for racketeering conspiracy is the greater of offense level 19 or the offense level applicable to the underlying racketeering activity. Pursuant to U.S.S.G. § 1B1.3, the underlying racketeering activities in this case involve acts, committed, aided, abetted, counseled, commanded, induced, or willfully caused by the Defendant, as well as all those acts reasonably foreseeable to him in furtherance of the jointly undertaken criminal enterprise, and include, among others:

- i. Murder, chargeable under MD. Code Ann., Crim. Law §§ 2-201, 2-204, 2-205, 2-206, and under the Common Law of Maryland punishable pursuant to Md. Code Ann., Crim. Law §§ 1-201, 1-202;
- ii. Conspiracy to distribute and possess with the intent to distribute heroin and cocaine base, in violation of 21 U.S.C. § 846(b)(1)(A); and
- iii. Distribution and possession with intent to distribute heroin and cocaine base, in violation of 21 U.S.C. § 841(b).

With respect to the murder of James Edwards, the base offense level is 43 pursuant to U.S.S.G. § 2A1.1(a). With respect to the conspiracy to distribute and possess with intent to distribute heroin and cocaine base, the base offense level is 30 pursuant to U.S.S.G. § 2D1.1(c)(5).

b. Pursuant to U.S.S.G. § 2E1.1 n.1, each underlying racketeering offense is treated as a separate count of conviction. This Office and the Defendant stipulate and agree that the combined offense level is 45 pursuant to U.S.S.G. § 3D1.4.

c. This Office does not oppose a **2-level reduction** in the Defendant's adjusted offense level pursuant to U.S.S.G. § 3E1.1(a), based upon the Defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for the Defendant's criminal conduct. This Office agrees to make a motion pursuant to U.S.S.G. § 3E1.1(b) for an additional one level decrease in recognition of the Defendant's acceptance of personal responsibility for the Defendant's conduct. This Office may oppose any adjustment for acceptance of responsibility under U.S.S.G. § 3E1.1(a) and may decline to make a motion pursuant to U.S.S.G. § 3E1.1(b), if the Defendant: (i) fails to admit each and every item in the factual stipulation; (ii) denies involvement in the offense; (iii) gives conflicting statements about the Defendant's involvement in the offense; (iv) is untruthful with the Court, this Office, or the United States Probation Office; (v) obstructs or attempts to obstruct justice prior to sentencing; (vi) engages in any criminal conduct between the date of this Agreement and the date of sentencing; (vii) attempts to withdraw the plea of guilty; or (viii) violates this Agreement in any way.

7. There is no agreement as to the Defendant's criminal history and the Defendant understands that the Defendant's criminal history could alter the Defendant's offense level. Specifically, the Defendant understands that the Defendant's criminal history could alter the final offense level of the Defendant is determined to be a career offender or if the instant offense was a part of a pattern of criminal conduct from which the Defendant derived a substantial portion of the Defendant's income.

8. Other than as set forth above, no other offense characteristics, sentencing guidelines factors, potential departures or adjustments set forth in the United States Sentencing Guidelines are in dispute or will be raised in calculating the advisory guidelines range.

9. The parties stipulate and agree pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) that a sentence of **444 months of incarceration in the custody of the Bureau of Prisons** is the appropriate disposition of this case taking into consideration the nature and circumstances of the offense, the Defendant's criminal history, and all of the other factors set forth in 18 U.S.C. § 3553(a). This Agreement does not affect the Court's discretion to impose any lawful term of supervised release or fine or to set any lawful conditions of probation or supervised release. In the event that the Court rejects this Agreement, except under the circumstances noted below, either party may elect to declare the Agreement null and void. Should the Defendant so elect, the Defendant will be afforded the opportunity to withdraw his plea pursuant to the provisions of Federal Rule of Criminal Procedure 11(c)(5). The parties agree that if the Court finds that the Defendant engaged in obstructive or unlawful behavior and/or failed to acknowledge personal responsibility as set forth herein, neither the Court nor the Government will be bound by the specific sentence contained in this Agreement, and the Defendant will not be able to withdraw his plea.

Obligations of the Parties

background, character, and conduct that this Office deems relevant to sentencing, including the conduct that is the subject of any counts of the Indictment. At the time of sentencing, this Office will move to dismiss any open counts against the Defendant.

Waiver of Appeal

11. In exchange for the concessions made by this Office and the Defendant in this Agreement, this Office and the Defendant waive their rights to appeal as follows:

a. The Defendant knowingly waives all right, pursuant to 28 U.S.C. § 1291 or any other statute or constitutional provision, to appeal the Defendant's conviction on any ground whatsoever. This includes a waiver of all right to appeal the Defendant's conviction on the ground that the statute(s) to which the Defendant is pleading guilty is unconstitutional, or on the ground that the admitted conduct does not fall within the scope of the statute(s).

b. The Defendant and this Office knowingly and expressly waive all rights conferred by 18 U.S.C. § 3742 to appeal whatever sentence is imposed (including any term of imprisonment, fine, term of supervised release, or order of restitution) for any reason (including the establishment of the advisory sentencing guidelines range, the determination of the Defendant's criminal history, the weighing of the sentencing factors, and any constitutional challenges to the calculation and imposition of any term of imprisonment, fine, order of forfeiture, order of restitution, and term or condition of supervised release), except as follows:

(i) The Defendant reserves the right to appeal any sentence that exceeds the statutory maximum; and

(ii) This Office reserves the right to appeal any sentence below a statutory minimum; and

(iii) The Defendant reserves the right to appeal the sentence of imprisonment if the total term of imprisonment exceeds 444 months; and

(iv) This Office reserves the right to appeal the sentence of imprisonment if the total term of imprisonment is less than 444 months.

c. The Defendant waives any and all rights under the Freedom of Information Act relating to the investigation and prosecution of the above-captioned matter and agrees not to file any request for documents from this Office or any investigating agency.

Forfeiture

12. a. The Defendant understands that the Court may enter an Order of Forfeiture as part of the Defendant's sentence, and that the Order of Forfeiture may

12. a. The Defendant understands that the Court may enter an Order of Forfeiture as part of the Defendant's sentence, and that the Order of Forfeiture may include assets directly traceable to the offense(s), substitute assets, and/or a money judgment equal to the value of the property derived from, or otherwise involved in, the offenses.

b. Specifically, but without limitation on the government's right to forfeit all property subject to forfeiture as permitted by law, the Defendant agrees to forfeit to the United States all of the Defendant's right, title, and interest in the following items that the Defendant agrees constitutes money, property, and/or assets derived from or obtained by the Defendant as a result of, or used to facilitate the commission of, the Defendant's illegal activities, including: any and all firearms and ammunition seized in connection with this conspiracy.

c. The Defendant agrees to consent to the entry of orders of forfeiture for the property described in the two above subparagraphs and waives the requirements of Federal Rules of Criminal Procedure 11(b)(1)(J), 32.2, and 43(a) regarding notice of the forfeiture in the charging instrument, advice regarding the forfeiture at the change-of-plea hearing, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment.

d. The Defendant agrees to assist fully in the forfeiture of the above property. The Defendant agrees to disclose all assets and sources of income, to consent to all requests for access to information related to assets and income, and to take all steps necessary to pass clear title to the forfeited assets to the United States, including executing all documents necessary to transfer such title, assisting in bringing any assets located outside of the United States within the jurisdiction of the United States, and taking whatever steps are necessary to ensure that assets subject to forfeiture are made available for forfeiture.

e. The Defendant waives all challenges to any forfeiture carried out in accordance with this Agreement on any grounds, including any and all constitutional, legal, equitable, statutory, or administrative grounds brought by any means, including through direct appeal, habeas corpus petition, or civil complaint. The Defendant will not challenge or seek review of any civil or administrative forfeiture of any property subject to forfeiture under this Agreement, and will not assist any third party with any challenge or review or any petition for remission of forfeiture.

Defendant's Conduct Prior to Sentencing and Breach

13. a. Between now and the date of the sentencing, the Defendant will not engage in conduct that constitutes obstruction of justice under U.S.S.G. § 3C1.1; will not violate any federal, state, or local law; will acknowledge guilty to the probation officer and the Court; will be truthful in any statement to the Court, this Office, law enforcement

b. If the Defendant engages in conduct prior to sentencing that violates the above paragraph of this Agreement, and the Court finds a violation by a preponderance of the evidence, then: (i) this Office will be free from its obligations under this Agreement; (ii) this Office may make sentencing arguments and recommendations different from those set out in this Agreement, even if the Agreement was reached pursuant to Rule 11(c)(1)(C); and (iii) in any criminal or civil proceeding, this Office will be free to use against the Defendant all statements made by the Defendant and any of the information or materials provided by the Defendant, including statements, information, and materials provided pursuant to this Agreement, and statements made during proceedings before the Court pursuant to Rule 11 of the Federal Rules of Criminal Procedure. A determination that this Office is released from its obligations under this Agreement will not permit the Defendant to withdraw the guilty plea. The Defendant acknowledges that the Defendant may not withdraw the Defendant's guilty plea – even if made pursuant to Rule 11(c)(1)(C) – if the Court finds that the Defendant breached the Agreement. In that event, neither the Court nor the Government will be bound by the specific sentence or sentencing range agreed and stipulated to herein pursuant to Rule 11(c)(1)(C).

Court Not a Party

14. The Court is not a party to this Agreement. The sentence to be imposed is within the sole discretion of the Court. The Court is not bound by the Sentencing Guidelines stipulation in this Agreement. The Court will determine the facts relevant to sentencing. The Court is not required to accept any recommendation or stipulation of the parties. The Court has the power to impose a sentence up to the maximum penalty allowed by law. In the event the Court rejects this Rule 11(c)(1)(C) plea agreement, the Defendant will be informed that he may withdraw his plea pursuant to 11(c)(5)(C). If he persists in the guilty plea thereafter, the Defendant understands that the disposition of the case may be less favorable than that contemplated by this Agreement. Neither the prosecutor, defense counsel, nor the Court can make a binding prediction, promise, or representation as to what guidelines range or sentence the Defendant will receive. The Defendant agrees that no one has made such a binding prediction or promise.

Entire Agreement

15. This letter, together with the Sealed Supplement, constitutes the complete plea agreement in this case. This letter, together with the Sealed Supplement, supersedes any prior understandings, promises, or conditions between this Office and the Defendant. There are no other agreements, promises, undertakings, or understandings between the Defendant and this Office other than those set forth in this letter and the Sealed Supplement. No changes to this Agreement will be effective unless in writing, signed by all parties, and approved by the Court.

If the Government fully accepts each and every term and condition of this Agreement, please sign where indicated.

If the Government fully accepts each and every term and condition of this Agreement, please sign where indicated.

Very truly yours,



Teresa Whalen



Paul Enzina

I have read this Agreement, including the Sealed Supplement, and carefully reviewed every part of it with my attorney. I understand it and I voluntarily agree to it. Specifically, I have reviewed the Factual and Advisory Guidelines Stipulation with my attorney and I do not wish to change any part of it. I am completely satisfied with the representation of my attorney.

2/18/19

Date

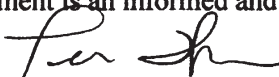


Dante Bailey
Defendant

I am the Defendant's attorney. I have carefully reviewed every part of this Agreement, including the Sealed Supplement, with the Defendant. The Defendant advises me that the Defendant understands and accepts its terms. To my knowledge, the Defendant's decision to enter into this Agreement is an informed and voluntary one.

2/18/19

Date



Teresa Whalen, Esq.

On behalf of the United States of America, the government agrees and accepts the terms outlined in the Agreement.

Date

Christina Hoffman
Assistant United States Attorney

Teresa Whalen